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Publications



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Proclamations and Orders in Council

*Passed under the authority of
The War Measures Act*

R.S.C. (1927) Chap. 206

VOLUME 1.

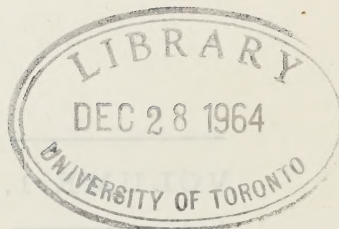
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P.C. 108

CERTIFIED to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 13th January, 1940.

The Committee of the Privy Council have had before them a report, dated 10th January, 1940, from the Honourable C. G. Power, Convener of the Committee of the Cabinet on Legislation, stating:—

1. That under the provisions of The War Measures Act, a large number of Orders in Council, many of them having the force of Statutes, have been passed;
2. That many of such Orders in Council need to be referred to frequently by persons interested in the subjects thereof; and
3. That it is advisable that a compilation of all such Orders in Council should be prepared and published in book form, and that all Proclamations should be included therein;

The Minister, therefore, recommends that he be authorized to undertake the compilation and publication of all Proclamations, and of all Orders in Council passed under the provisions of The War Measures Act, Chapter 206, R.S.C., 1927, having the force of Statutes; that all such Orders in Council passed between August 25, 1939, and December 31, 1939, together with all Proclamations of the same period, constitute the first volume thereof; and that the cost of this and of subsequent volumes be a charge against the moneys provided by Parliament under The War Appropriation Act, 1939.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

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Order in Council providing that Minister of National Defence may call out the Militia

P.C. 2396

PRIVY COUNCIL

AT THE GOVERNMENT HOUSE AT OTTAWA

Saturday, the 26th day August, 1939.

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Section 63 of the Militia Act provides that the Militia or any part thereof, or any officer or man thereof, may be called out for any Military purpose other than Drill or Training, at such time and in such manner as is prescribed;

And whereas Section 2 (j) of the said Act defines "prescribed" to mean prescribed by the Militia Act or by regulations made thereunder:

And whereas the Minister of National Defence reports that there are certain duties which in his opinion are "Military purposes" coming within the meaning of that expression as used in Section 63 of the said Act for the performance of which the strength of the Permanent Force is at present insufficient, and it is desirable to place on service certain parts of the Militia; and

That it is deemed expedient to make a regulation providing the manner in which the provisions of the said Section 63 may be invoked;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and pursuant to the provisions of the Militia Act, is pleased to make the following regulations and it is hereby made and established accordingly:

REGULATION

The Minister of National Defence may call out the Militia or any part thereof, or any officer or man thereof, for any purpose coming within the provisions of Section 63 of the Militia Act, at such times and in such manner as he may deem expedient.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council respecting the control of shipping

P.C. 2412

AT THE GOVERNMENT HOUSE AT OTTAWA

Saturday, the 26th day August, 1939.

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence, with the concurrence of the Ministers of Transport, Trade and Commerce, and National Revenue, reports that it is desirable in the public interest that provision should be made respecting the Control of Shipping;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and in virtue of the provisions of the War Measures Act, and of any other law in force in Canada, is pleased to make the following Regulations and they are hereby made and established accordingly:

REGULATIONS

1. Every vessel within the ports of Canada or Canadian waters, as defined in the Customs Act, shall comply with such orders as to the navigation and mooring of vessels as may be issued by, or on behalf of, the Minister of National Defence, and shall obey any orders given, whether by signal or otherwise, by any officer in command of any of His Majesty's Canadian ships or of any other of His Majesty's ships or any naval, military or air force officer engaged in the defence of the coasts of Canada.

2. Every vessel of Canadian registry or licence wheresoever it may be shall comply with such orders as to its navigation and mooring as may be issued by, or on behalf of, the Minister of National Defence and shall obey any orders given, whether by way of signal or otherwise, by any officer in command of His Majesty's Canadian ships or of any other of His Majesty's ships, or by any naval, military or air force officer engaged in the defence of the coasts of Canada.

3. If the Master or other person in command or charge of such vessel fails to comply with or to obey any order issued or given hereunder he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$500, in addition to any other penalty or any forfeiture provided by law.

The Ministers of each of the Government Departments and all officers and authorities whom it may concern are to give the necessary directions herein as to them may respectively appertain.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council approving financial regulations and instructions for the
Canadian Field Force

P.C. 2434

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 31st August, 1939.

The Committee of the Privy Council have had before them a report, dated 28th August, 1939, from the Minister of National Defence representing that it is necessary to make special provision for the pay and allowances and other emoluments, whether in money or kind, to be paid or issued to or in respect of,—

- (a) Those parts of the Active Militia, and officers and men of the Militia, called out by the Minister of National Defence for any purpose coming within the provisions of Section 63 of the Militia Act in pursuance of a regulation made by Order in Council of the 26th day of August, 1939, P.C. 2396, and
- (b) the Canadian Field Force should the same be organized, and
- (c) those parts of the Militia which from time to time are placed on active service by Your Excellency in Council under the provisions of Section 64 of the Militia Act.

The Minister, therefore, on the advice of the Deputy Minister of National Defence recommends that the attached "Financial Regulations and Instructions for the Canadian Field Force," be approved, effective on and from the 26th day of August, 1939.

The Committee submit the same for approval accordingly.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

NOTE: "Financial Regulations and Instructions for the Canadian Field Force" printed by King's Printer.

Order in Council regulating requisitioning of property other than land

P.C. 2435

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 12th day of September, 1939.

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that it is desirable in the public interest that provision should be made respecting the requisitioning of property other than land;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and in virtue of the provisions of the War Measures Act, and of any other law in force in Canada, is pleased to make the following Regulation and it is hereby made and established accordingly:

REGULATION REGARDING THE REQUISITIONING OF PROPERTY OTHER THAN LAND

(1) Subject as hereinafter provided, the Minister of National Defence, hereinafter referred to as the Minister, if it appears to him to be necessary or expedient so to do in the interests of the public safety, or the safety of the State, or for maintaining supplies and services necessary to the life of the community, may requisition—

- (a) any chattel in Canada (including any vessel or aircraft or any article on board a vessel or aircraft), and
- (b) any British ship or aircraft registered in Canada or any article on board such British ship or aircraft, wherever the ship or aircraft may be;

and may give such directions as appear to him to be necessary or expedient in connection with the requisition;

Provided that the preceding provisions of this Regulation shall not authorize the requisitioning of any British ship or aircraft registered elsewhere than in Canada or of any foreign ship or aircraft or of anything on board such a ship or aircraft.

(2) If the Minister requisitions any property under this Regulation, he may use or deal with, or authorize the use of or dealing with, the property for such purpose and in such manner as he thinks expedient in the interests of the public safety, or the safety of the State, or for maintaining supplies and services necessary to the life of the community, and may hold, or sell or otherwise dispose of, the property as if he were the owner thereof.

(3) The Minister, if it appears to him to be necessary for the effectual exercise in his powers under paragraph (1) of this Regulation so to do, may, by order made as respects the whole of Canada or any part thereof,—

- (a) direct that no person who, at the time when the order takes effect, has in his possession or under his control, at any premises in the area to which the order relates, any such articles as may be described in the order, shall remove the articles, or cause or permit them to be removed, from the premises until the removal of the articles therefrom is permitted by such authority or person as may be specified in the order;
- (b) require the owner or occupier of any premises in the said area to send to such authority or person as may be specified in the order a written declaration stating or estimating whether or not, on such date as may be specified in the order, any such articles as aforesaid were or will be on the premises, and, if so, the number or quantity of those articles which was or will be on the premises on that date, according as the order may direct.

(4) The Minister may, to such extent and subject to such restrictions as he thinks proper, delegate all or any of his functions under paragraphs (1) to (3) of this Regulation to any particular persons or class of persons.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council authorizing employment of Auxiliary Active Air Force
and the Reserve Air Force

P.C. 2441

PRIVY COUNCIL

CANADA

Secret

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, August 31, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that there are certain Air Force duties which are required to be carried out for the performance of which the strength of the Permanent Active Air Force is insufficient, and it is desirable to employ on full-time air force duty certain parts and personnel of the Auxiliary Active Air Force and the Reserve Air Force;

And whereas section 5 of the Aeronautics Act, Chapter 3 Revised Statutes of Canada, 1927, provides that the Minister may employ such officers and men under this Act as may be authorized by the Governor in Council, under such conditions as to discipline and pay as the Governor in Council may determine, and may make such arrangements for their proper training, housing, board, clothing and equipment as may be deemed necessary and as may be approved by the Governor in Council;

And whereas it is deemed expedient that the Minister of National Defence be authorized to employ on full-time air force duty those parts and personnel of the Auxiliary Active Air Force and the Reserve Air Force as he may from time to time deem necessary.

Now, therefore, His Excellency the Governor General in Council, pursuant to the provisions of Section 5 of the Aeronautics Act, is pleased to authorize and doth hereby authorize the Minister of National Defence to employ from time to time on full-time air force duty, as the same are required, such parts and personnel of the Auxiliary Active Air Force and the Reserve Air Force as the said Minister deems necessary.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council constituting sub-committees of Council

P.C. 2474

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 30th August, 1939.

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that in order to provide, in the present emergency, for a proper distribution of work and an effective allocation of duties, the following subcommittees of Council be hereby constituted for the specific purposes hereinafter set forth:—

1. *Emergency Council* (Committee on General Policy)

To consider all question of general policy; to receive reports from all other Committees; and, generally speaking, to co-ordinate all operations of Government.

2. *Supplies*

To concern itself with the purchase of food supplies, equipment, munitions, construction of buildings, mobilization of industry, and to advise upon the purchase of all supplies, whether for the Dominion of Canada or for Great Britain or its allies, should the Government of Canada be asked to undertake this work, whether such purchases be made in Canada or in the United States.

3. *Legislation*

To examine all Orders in Council passed under the War Measures Act, and to report same to Council, in the same manner as Treasury Board reports all financial transactions, and to check on any lack of co-ordination between Departments.

4. *Public Information*

Dealing with censorship, publicity, recruiting, speakers, propaganda and keeping up the morale of the people.

5. *Finance*

Banks, moratoria, bond flotations, credits as between Great Britain and Canada.

6. *Internal Security*

Commodity prices and cost of living, Provincial relations, air raid precautions, labour disputes, aliens, public safety and order.

The Committee, on the same recommendation, further advise that the said Subcommittees of Council consist of the following:—

1. *Emergency Council*

The Right Hon. W. L. Mackenzie (Convener),
The Right Hon. Ernest Lapointe,
The Hon. J. L. Ilsley,
The Hon. Ian Mackenzie,
The Hon. R. Dandurand,
The Hon. T. A. Crerar.

2. *Supplies*

The Hon. P. J. A. Cardin (Convener),
The Hon. Ian Mackenzie,
The Hon. J. G. Gardiner,
The Hon. J. E. Michaud,
The Hon. J. A. MacKinnon.

3. *Legislation*

The Hon. C. G. Power (Convener),
The Right Hon. Ernest Lapointe,
The Hon. Norman Rogers,
The Hon. N. A. McLarty,
The Hon. P. J. A. Cardin.

4. *Public Information*

The Hon. N. A. McLarty (Convener),
The Hon. Norman Rogers,
The Hon. C. G. Power,
The Hon. J. G. Gardiner,
The Hon. J. E. Michaud.

5. *Finance*

The Hon. J. L. Ilsley (Convener),
The Hon. W. D. Euler,
The Hon. T. A. Crerar,
The Hon. C. D. Howe,
The Hon. N. A. McLarty.

6. *Internal Security*

The Hon. Norman Rogers (Convener),
The Hon. J. A. MacKinnon,
The Hon. T. A. Crerar,
The Hon. W. D. Euler,
The Hon. C. D. Howe.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

**Order in Council authorizing Proclamation calling Parliament
on September 7, 1939**

P.C. 2476

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 1st of September, 1939.

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that a proclamation do issue summoning the Parliament of Canada to meet on Thursday the seventh day of September, 1939, at three o'clock in the afternoon, at the City of Ottawa, for the Despatch of Business.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

PROCLAMATION

TWEEDSMUIR,
[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland, and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To Our Beloved and Faithful the Senators of the Dominion of Canada, and the Members elected to serve in the House of Commons of Our said Dominion, and to each and every of you,—

GREETING:

A PROCLAMATION

Whereas Our Parliament of Canada stands prorogued to the Second day of the month of October, 1939, at which time at Our City of Ottawa you were held and constrained to appear. Nevertheless, for certain causes and considerations, We do Will, by and with the advice of Our Privy Council for Canada, that you and each of you, be as to Us in this matter entirely exonerated Commanding, and by the tenor of these Presents enjoining you, and each of you, and all others in this behalf interested, that on Thursday, the Seventh day of the month of September next at Our City of Ottawa, aforesaid, personally you be and appear, for the DESPATCH OF BUSINESS, to treat, do, act and conclude upon these things which in Our said Parliament of Canada, by the Common Council of Our said Dominion, may by the favour of God be ordained.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed.
WITNESS: Our Right Trusty and Well-beloved John, Baron Tweedsmuir of Elsfield, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Our Dominion of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, in Our said Dominion, this First day of September, in the year of Our Lord, one thousand nine hundred and thirty-nine and in the Third year of Our Reign.

By Command,

E. H. COLEMAN,
Under-Secretary of State.

Order in Council authorizing Proclamation concerning existence of
apprehended war

P.C. 2477

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 1st day of September, 1939.

The Committee of the Privy Council have had before them a report, dated September 1, 1939, from The Right Honourable W. L. Mackenzie King, the Prime Minister, representing that a state of apprehended war exists and has existed since the 25th day of August, A.D., 1939; and

That it is essential that the Governor in Council may be clothed with the necessary power from time to time to do such things as he may deem necessary or advisable for the security, defence, peace, order and welfare of Canada.

The Prime Minister, therefore, recommends that a proclamation be issued and published in the *Canada Gazette*, pursuant to the provisions of The War Measures Act, and declaring the existence of apprehended war as and from the 25th day of August, A.D., 1939.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Canada Gazette (Extra). 1st September, 1939

PROCLAMATION

TWEEDSMUIR

[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To ALL To WHOM these Presents shall come or whom the same may in anywise concern,

GREETING:

PROCLAMATION

ERNEST LAPOINTE,
Attorney General,
Canada.

Whereas the War Measures Act provides that the issue of a Proclamation by Us or under the authority of the Governor in Council shall be conclusive evidence that war, invasion or insurrection, real or apprehended, exists or has existed for any period of time therein stated and of its continuance, until by the issue of a further proclamation it is declared that the war, invasion or insurrection no longer exists.

Now KNOW YE that by and with the advice of Our Privy Council for Canada We do hereby proclaim and declare by this Our Proclamation that apprehended war exists and has existed as and from the twenty-fifth day of August, one thousand nine hundred and thirty-nine.

OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved John, Baron Tweedsmuir of Elsfield, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Our Dominion of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this first day of September, in the year of Our Lord one thousand nine hundred and thirty-nine and in the Third year of Our Reign.

By Command,

ERNEST LAPOINTE,
Acting Secretary of State.

Order in Council placing the Reserve Naval Forces of Canada on
active service

P.C. 2478

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 1st day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that by reason of the present emergency it appears advisable to place on active service the Naval Forces.

Wherefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and under and by virtue of the powers conferred by Section 19 of the Naval Service Act, Chapter 139, Revised Statutes of Canada, 1927, is pleased to place and doth hereby place on active service the following parts of the Naval Forces as of and from the first day of September, 1939.

Schedule
Reserve Naval Forces of
Canada
350 Officers—3,500 Ratings

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council placing the Permanent Naval Forces on active service

P.C. 2479

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 1st day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that by reason of the present emergency it appears advisable to place on active service the Naval Forces.

Wherefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the powers conferred by Section 19 of the Naval Service Act, Chapter 139, Revised Statutes of Canada, 1927, be pleased to place and doth hereby place on active service the Permanent Naval Forces as of and from the 1st day of September, 1939.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council establishing Censorship Regulations, 1939

P.C. 2481

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 1st day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence, with the concurrence of the Postmaster General, the Secretary of State and the Minister of Transport, reports, under date of first September, 1939, that, by reason of the existence of the present emergency, it is desirable in the public interest to provide for the institution of censorship;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, with the concurrence as aforesaid, and under and by virtue of the powers conferred by the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and otherwise, is pleased to make the Regulations set out in the annexed schedule which may be cited as "The Censorship Regulations, 1939," and they are hereby made and established accordingly.

The Ministers of the several Government Departments and all officers and authorities whom it may concern are to give the necessary directions herein as to them may respectively appertain.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

THE CENSORSHIP REGULATIONS 19...

PART I

CABLE, RADIO, TELEGRAPH AND TELEPHONE COMPANIES

1. (1) Whenever in this Part the expression "company" is used, either in association with such words as "cable" or "telegraph" or otherwise, it shall be deemed to extend to and to include a person or persons, firm or partnership and a body corporate or politic.

(2) Whenever in this Part the expression "Minister" is used, it shall,

- (a) With reference to the operations, offices, works or property of any cable company, and so far as concerns trans-oceanic radio communications to the operations, offices, works or property of any radiotelegraph company, and to the offices, works or property of any land telegraph and telephone company from and to which cable and radio messages may be transmitted and received, be deemed to refer to the Minister of National Defence;
- (b) With reference to the operations, offices, works or property of any telegraph company or any telephone company in respect of land communications not forming part of the classes of communications hereinbefore mentioned, shall be deemed to refer to the Secretary of State of Canada; and
- (c) With reference to the operations, offices, works or property of any radiotelegraph or radiotelephone station, radio broadcasting station or any other class of radio station whether for transmission or reception, or both which do not form part of any of the classes of telecommunications hereinbefore mentioned, shall be deemed to refer to the Minister of Transport.

2. The Minister may:

- (a) Direct and cause the whole or part of the offices, works and property of any cable, radiotelegraph, telegraph or telephone company or any radio apparatus in the possession or under the control of or on the premises of any individual or company within Canada, to be entered and possessed in the name of His Majesty, and on his behalf, and to be used for His Majesty's Service, and subject thereto, for such ordinary service as the Minister may permit;
- (b) Direct any person to assume entire or partial control of the transmission of messages by the cables, apparatus or wires of any company as aforesaid.

3. The Minister may direct any cable, radiotelegraph, telegraph or telephone company to submit to him or to any person authorized by him all cablegrams, telegrams and messages tendered for transmission or arriving by any such company's cable, wires or radio apparatus, or any class or classes of such telegrams, cablegrams or messages, or to deliver the same to him or to his agent; the said Minister may direct any such company to transmit through certain named offices only, all messages (including oral messages tendered to or received by any telephone company) that may be intended to pass out of Canada.

4. The Minister may require any person whom he commissions, directs or authorizes to enter, take possession of or assume control of any office, works or property or part thereof, or of the transmission of messages, pursuant to any regulation of this Part, and also any person employed by or connected with any such company as is mentioned in regulation No. 2, to subscribe to the oath appearing as Schedule "A" hereto.

5. All persons who, pursuant to any regulation of this Part have entered, taken possession of or assumed control of any office, works or property or part thereof, or of the transmission of messages, and also all persons employed by or connected with any such company as is mentioned in Regulation No. 2, shall obey and conform to all such directions issued by the Minister.

PART II

Prevention of Circulation or Dissemination of Prohibited Matter.

6. Whenever in this Part the expression "prohibited matter" is used, it shall be construed to mean and include:—

- (a) Any adverse or unfavourable statement, report or opinion likely to prejudice the defence of Canada or the efficient prosecution of the war;
- (b) Any report of, or description of, or reference to the proceedings at any secret session of the House of Commons or Senate, except such report thereof as may be officially communicated by the Secretary of State of Canada.
- (c) Any information with respect to the movements, numbers, description, condition or disposition of any of the armed forces of His Majesty or any allied or associated power or with respect to the plans or conduct or supposed plans or conduct of any operations by any such forces, or with respect to the supply, description, condition, transport or manufacture or storage of war materials, or with respect to any works or measures undertaken for or connected with or intended for the fortification of any place, or any information of such a nature as is calculated to be or might be directly or indirectly useful to the enemy;
- (d) Any photograph, sketch, plan, model or other representation of any naval, military or air force work or of any place which is a "prohibited place" under the Official Secrets Act, of such a nature that such representations thereof are calculated to be or might be, directly or indirectly useful to the enemy;
- (e) Any report or statement intended or likely to cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of allied or associated powers, or to prejudice His Majesty's relations with foreign powers;
- (f) Any report or statement intended or likely to prejudice the recruiting, training, discipline or administration of any of His Majesty's forces;
- (g) Any report or description or purported report or description of the proceedings at any meeting of the Cabinet of Canada;
- (h) The contents of any confidential document belonging to or any confidential information obtained from any government department or any person in the service of His Majesty;
- (i) Any leaflet or pamphlet relating to the war or to the making of peace which has not printed thereon the true name and address of the author and of the printer thereof;
- (j) Any talking machine record or other recording which is calculated to arouse or to foster hostile national sentiment among people of enemy country origin resident in Canada, or is calculated to arouse antagonism towards any of the measures taken for the prosecution of the war;

- (k) Any abstract of or extract from a publication the possession of which has been prohibited under these Regulations.
- (l) Any advertisement or announcement intended or likely to promote the circulation in Canada of any publication, cinematograph film, picture or talking machine record the possession of which has been prohibited under these Regulations.

7. (1) No person shall, unless with lawful excuse or authority, the proof of which shall lie on him, speak, utter, write, print, publish, post, deliver, receive or have in his possession or on premises in his occupation or under his control, any statement, opinion or report or any letter or other writing or any newspaper, tract, periodical, book, circular or other printed publication or any photograph, sketch, plan, model, record or other representation, containing or consisting of prohibited matter.

(2) No person shall produce any performance on any stage or exhibit any picture or cinematograph film, or perform any act which contains any prohibited matter.

(3) Every such speaking, uttering, writing, printing, publishing, posting, delivering, receiving, having, producing, exhibiting or performing shall be deemed an offence against these Regulations.

8. The Postmaster General or any one authorized by him may, for the purpose of preventing the publication, circulation or distribution of prohibited matter, ascertain the contents of any newspaper, tract, periodical, book, circular or other printed matter, or of any written matter or of any photograph, sketch, plan, recording or other representation which may be passing through or dealt with in any manner in the mails of Canada.

9. The Postmaster General may appoint a Director of Postal Censorship for Canada, who shall have charge under the said minister of the carrying out of the provisions of such of these Regulations as apply to the post office service.

10. The Secretary of State of Canada, whenever he shall be satisfied that any newspaper, tract, periodical, book, circular, or other printed publication contains or has contained prohibited matter, may prohibit the possession or distribution within Canada of any issue or copy of such newspaper, tract, periodical, book, circular or other printed matter. Such prohibition may be limited to the possession or distribution of one or more numbers, issues or editions of such newspaper, tract, periodical, book, circular or other printed matter, or in case the said Secretary of State shall determine that special circumstances so warrant, he may extend such prohibition to past and future numbers, issues or editions as well.

(2) From and after the publication by the Secretary of State of Canada in the *Canada Gazette* of a Notice of such prohibition, every number, issue, or copy of such newspaper, tract, periodical, book, circular or other printed matter so prohibited shall for all purposes and by all courts and authorities be conclusively deemed to contain prohibited matter.

11. The Secretary of State of Canada may appoint a person to be censor of the writings, copy or matter printed, or the publications issued at any printing house, printing establishment or works, and any person so appointed shall have the right to enter and visit the premises with any assistant or assistants from time to time and to remain there for such time or times as may be reasonably necessary, and to examine, consider, approve or reject any writing, copy or matter printed or proposed to be printed at or issued for publication from the said premises, and after the appointment of any such person and the notification thereof to the proprietor, manager or person in charge of the said premises no writing copy or other matter shall be printed there or issued for publication

therefrom which is not approved by the person so appointed, and any such printing or issue for publication without such approval shall be deemed an offence against these Regulations.

12. The Secretary of State of Canada may direct all copies of any newspaper, tract, periodical, book, circular or other printed publication, printed, issued, circulated or published in contravention of this Part, to be seized by any peace officer.

13. Nothing in these Regulations shall be deemed to affect the privilege of members of Parliament or any statement made by any such member, as such, in the Senate or House of Commons of Canada.

Part III
Prosecution and Interpretation

14. (1) Any person contravening or failing to observe, abide by or perform any of the provisions of these Regulations, or, being a director or other officer of any incorporated company contravening or failing to observe, abide by or perform any of the provisions of these Regulations, to the knowledge or with the consent of such director or other officer, shall be guilty of an offence against these Regulations.

(2) In any prosecution or proceedings against any such director or officer, the onus of showing that he did not know of or consent to such contravention or failure to observe, abide by or perform shall be upon him.

15. When any prohibited matter is printed, published, produced, exhibited or performed on any premises, the proprietor or other person actually controlling the said premises and the operations carried on therein shall be guilty of an offence against these Regulations; and in case such offender is an incorporated company every director or officer thereof who shall fail to establish that such offence was committed without his knowledge or despite his protest shall be guilty of an offence against these Regulations.

16. Where no specific penalty is provided in these Regulations, any person, who is guilty of an offence under these Regulations, shall be deemed to be guilty of an indictable offence, and shall on conviction be punishable by fine not exceeding five thousand dollars, or by imprisonment for a term not exceeding five years, with or without hard labour, or by both fine and imprisonment; but such person may, at the election of the Attorney-General of Canada, be prosecuted summarily in the manner provided by Part XV of the Criminal Code, and if so prosecuted, shall be punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding twelve months, with or without hard labour, or by both fine and imprisonment.

17. For the purposes of the trial of any person for any offence against any of these Regulations the offence shall be deemed to have been committed either at the place in which the same actually was committed or at any place in Canada in which the offender may be found.

18. The powers conferred by these Regulations are in addition to and not in derogation of, any powers exercisable by members of His Majesty's forces and other persons to take such steps as may be necessary for securing the public safety and the defence of Canada, and nothing in these Regulations shall affect the liability of any person to trial or punishment for any offence otherwise than in accordance with these Regulations.

SCHEDULE "A"

In the matter of the War Measures Act.

AND

In the matter of the Censorship Regulations, 19.....

I, of the of
in the of (occupation) Do **SOLEMNLY**

SWEAR that I will not, until relieved of this obligation by notice in writing from the Minister of transmit or permit to be transmitted any message (by cable, radio, ordinary telegraph or telephone, as the case may be) passing through the office or exchange in which I am employed and intended for delivery outside of Canada, unless I am satisfied on good and reasonable ground that said message contains no matter giving information such as is calculated to be or as might be directly or indirectly useful to the enemy, and that I will to the best of my ability learn the subject matter of all messages, intercept any message containing any such information, and will immediately make known the terms of such message and all facts that I can ascertain as to the identity of the sender thereof to

Sworn before me at the of in the
of of this
day of A.D. 19.....

Order in Council placing Active Militia on war establishment

P.C. 2482

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 1st day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence, under date of first September, 1939, reports that, by reason of the present emergency, it is desirable to proceed immediately with the necessary arrangements pertaining to placing the Active Militia on war establishment.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, is hereby pleased to authorize the organization forthwith of a Canadian Active Service Force, and for such purpose, under the provisions of Section 20 of the Militia Act, to name as Corps of the Active Militia those Units, Formations and Detachments as set out in Schedule D annexed.

His Excellency the Governor General in Council, on the same recommendation and pursuant to Section 64 of the Militia Act, is further pleased to place and doth hereby place on active service in Canada, the Units, Formations and Detachments set out in the said Schedule D, and those other Corps and parts of the Militia as set out in Schedule E annexed.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Note.—Schedules D and E printed separately.

Order in Council establishing the Defence of Canada Regulations

P.C. 2483

AT THE GOVERNMENT HOUSE AT OTTAWA

The 3rd day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Prime Minister of the United Kingdom has to-day announced that following the failure of the German Government to give an undertaking to withdraw their troops from Poland, the United Kingdom is at war with Germany.

Whereas on September the 1st, 1939, the Government of Canada announced that in the event of the United Kingdom becoming engaged in war in the effort to resist aggression, the Government of Canada has unanimously decided as soon as Parliament meets to seek its authority for effective co-operation by Canada at the side of Britain, and that meanwhile necessary measures would continue to be taken for the defence of Canada, consultations with the United Kingdom would be continued and in the light of all the information at its disposal, the Government would recommend to Parliament the measures which it believed to be the most effective for co-operation and defence.

And whereas under the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, it is provided that the Governor in Council may do and authorize such acts and things and may make from time to time such orders and regulations as he may by reason of the existence of real or apprehended war, invasion or insurrection, deem necessary or advisable for the security, defence, peace, order and welfare of Canada.

And whereas in view of the existence of a state of apprehended war a Proclamation under the said War Measures Act was issued on September the 1st, 1939, and measures for the defence of Canada have been and are continuing to be taken thereunder.

Now, therefore, in order that the Government of Canada may be enabled to take such further action as may in the present emergency be necessary, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under and by virtue of the provisions of the War Measures Act is pleased to make the Regulations attached, being the Defence of Canada Regulations, numbered 1 to 64, inclusive, and they are hereby made and established accordingly.

(Sgd.) H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Note.—Defence of Canada regulations printed by King's Printer.

Order in Council authorizing re-engagement of ex-members of the
Royal Canadian Mounted Police

P.C. 2484

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 1st September, 1939.

The Committee of the Privy Council, on the recommendation of the Minister of Justice, advise that authority be granted for the re-engagement of five hundred (500) ex-members of the Royal Canadian Mounted Police Force at their former rank and pay, and also for the engagement of eleven hundred (1,100) Special Constables for guard duty at vulnerable points—it being understood that pensions now being paid to these ex-members of the Force will remain in abeyance during the course of their re-engagement service.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council appointing Commissioner of the Royal Canadian Mounted
Police, Registrar General of Alien Enemies

P.C. 2485

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 3rd September, 1939.

The Committee of the Privy Council, on the recommendation of the Minister of Justice, advise that the Commissioner of the Royal Canadian Mounted Police be hereby appointed Registrar General of Alien Enemies.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council authorizing constitution of Prize Courts

P.C. 2489

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 5th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice, with the concurrence of the Secretary of State for External Affairs and the Minister of National Defence, reports

that it is desirable in the public interest that provision should be made for the constitution of Prize Courts in Canada and for the exercise of Prize Jurisdiction in Canada;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under and in virtue of the War Measures Act, is pleased to make and doth hereby make the following orders and regulations:

1. The Exchequer Court of Canada on its Admiralty side is hereby constituted and established a Prize Court and is hereby authorized and required to take cognizance of and judicially proceed upon all and all manner of captures, seizures, prizes and reprisals of all ships, vessels and goods that are or shall be taken, including aircraft and goods taken upon aircraft, and to hear and determine the same, and according to the course of Admiralty and the Law of Nations, and the statutes, rules and regulations for the time being in force in that behalf, and to adjudge and condemn all such ships, vessels, aircraft, and goods as shall belong to any enemy country or the citizens or subjects thereof, or to any other persons inhabiting within any of the countries, territories, or dominions of any enemy country or which are otherwise condemnable as prize, which may be brought before such court by any competent authority, including competent authorities of others of His Majesty's dominions.

2. The powers and authorities conferred by this order shall be exercised by such of the judges of the Exchequer Court of Canada and such of the district judges in Admiralty as may be designated from time to time by the Minister of Justice.

3. (1) The Governor in Council may appoint a judge of any provincial Superior Court to be an *ad hoc* judge of the Exchequer Court of Canada on its Admiralty side to hold office and to exercise, during pleasure, the powers and authorities herein provided.

(2) Such judge shall be paid, during the period he continues to hold the office of *ad hoc* judge as aforesaid, such additional salary and expenses out of funds provided by Parliament for the purpose as may be determined by the Governor in Council.

(3) The powers and authorities to be exercised by such judge shall be subject to such limitations as may have been imposed by the Governor in Council upon his appointment.

4. (1) The Governor in Council may appoint a person who is qualified to be appointed a judge of a provincial Superior Court to be a judge of the Exchequer Court of Canada on its Admiralty side to hold office and to exercise, during pleasure, the powers and authorities herein provided.

(2) Such person shall be paid, during the period he continues to hold the office of judge as aforesaid, such salary and expenses out of funds provided by Parliament for the purpose as may be determined by the Governor in Council.

(3) The powers and authorities to be exercised by such person shall be subject to such limitations as may have been imposed by the Governor in Council upon his appointment.

5. The Minister of Justice may designate from time to time, by notice published in the *Canada Gazette*, the judges or persons who are authorized to exercise the powers and authorities under this order, and the places at which they may be exercised, and may designate by name or office the persons who may act as registrars, marshals, and other officers of the court in this behalf.

6. (1) The said court, or any judge thereof, acting under this order shall, pending the making of rules of practice and procedure hereunder or the enactment of legislation in respect of prize by the Parliament of Canada, be governed by the statutes, rules and regulations with regard to prize, including practice and procedure in prize matters, in force in the United Kingdom, from time to time.

(2) Without restricting the generality of the foregoing, the Court shall, for the purpose of making provision for the transfer of proceedings in prize, be governed by and shall apply the Prize Courts Act, 1915, and the Naval Prize (Procedure) Act, 1916, of the Statutes of the United Kingdom, and shall be deemed to be a Prize Court within the meaning of such Acts and shall be empowered to receive upon transfer proceedings from Prize Courts established in other parts of His Majesty's dominions.

7. Rules of practice and procedure in Prize matters may be made from time to time by the Governor in Council.

8. An appeal shall lie to His Majesty in Council from any Order or Decree of the Prize Court which is hereby constituted and established. The appeal shall lie as of right in the case of a final decree and in other cases with the leave of the Court making the Order or Decree. The appeal shall be made in such manner and form and subject to such regulations, including regulations as to fees, costs, charges and expenses, as for the time being govern appeals in Prize matters to His Majesty in Council from Prize Courts exercising jurisdiction elsewhere in His Majesty's dominions. The Prize Court hereby constituted and established shall have all powers which are necessary to enforce within Canada all Orders and Decrees of His Majesty in Council in Prize appeals and all orders of Prize Courts exercising jurisdiction in any of His Majesty's dominions.

9. The provisions of this order shall be effective on and from the 28th day of August, 1939.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council regarding Pensions Regulations

P.C. 2491

AT THE GOVERNMENT HOUSE AT OTTAWA,

Saturday, the 2nd day of September, 1939.

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas subsection 2 of Section 11 of the Pension Act, Chapter 157, Revised Statutes of Canada, 1927, as amended, provides as follows:—

“In respect of military service rendered after the war, pensions shall be awarded to or in respect of members of the forces who have suffered disability, in accordance with the rates set out in Schedule A of this Act, and in respect of members of the forces who have died, in accordance with the

rates set out in Schedule B of this Act, when the injury or disease or aggravation thereof resulting in disability or death in respect of which the application for pension is made was attributable to military service as such."

And whereas there is no provision in the Pension Act, other than the above, to provide for pensions for members of the Naval, Military or Air Forces of Canada, who, whilst serving on active service, suffer disabilities, or for the dependents of any such members who die;

And whereas in the opinion of the Minister of Pensions and National Health provision should be made to place, during the present emergency, all members of the Naval, Military or Air Forces of Canada serving on active service on a parity with those members of the Forces who served in the Naval, Military or Air Forces of Canada during the "war" as defined in Section 2 (p) of the Pension Act.

Therefore, to that end, His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health, and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding anything to the contrary contained in the Pension Act or in any other Act or Regulation, is pleased to make the following Regulations, and they are hereby made and established accordingly:—

The Honourable

The Minister of Pensions and National Health.

P.R. 9859.

REGULATIONS

1. Subsection 2 of Section 11 of the Pension Act shall not apply to members of the Naval, Military or Air Forces of Canada whilst serving on active service.

2. Except as hereunder provided, the provisions of the Pension Act shall apply in respect of those members of the Naval, Military and Air Forces of Canada who whilst serving on active service suffer disability or death, in like manner and to all intents and purposes as though such members had served in the Naval, Military or Air Forces of Canada during the "war" as defined in Section 2 (p) of the Pension Act.

3. For the purposes of Regulation No. 2 of these Regulations the following provisions of the Pension Act shall not apply:—

- (a) The restriction as to date of birth of a minor child or minor children as mentioned in subsections 9 and 10 of Section 22.
- (b) Section 12A.
- (c) Section 67.

4. These Regulations shall be deemed to come into force and effect on the 1st September, 1939, and shall remain in force and effect until otherwise modified or rescinded by the Governor in Council.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council authorizing censorship regulations—circulation of prohibited matter by cable, radio, telegraph or telephone companies

P.C. 2496

AT THE GOVERNMENT HOUSE AT OTTAWA,

Friday, the 1st day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2481, dated first September, 1939, certain regulations were made with regard to censorship to be cited as "The Censorship Regulations 1939";

And whereas it is expedient to make provision for the bringing into force of the measures of censorship provided for in the said regulations;

Therefore His Excellency the Governor General in Council, on the recommendation of the Right Honourable the Prime Minister, is pleased to order and it is hereby ordered that the regulations with regard to censorship in respect of cable, radio, telegraph and telephone companies, or in respect of the prevention of circulation or dissemination of prohibited matter, respectively, shall be applied only upon specific direction of the Governor in Council with regard to each class of censorship provided for by the said regulations.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council authorizing expression "Canadian Active Service Force" be substituted for "Canadian Field Force"

P.C. 2498

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 2nd of September, 1939.

The Committee of the Privy Council, on the recommendation of the Minister of National Defence, advise that the expression "Canadian Active Service Force" be substituted for the expression "Canadian Field Force" wherever the latter appears in the Financial Regulations and Instructions for the Canadian Field Force, as approved by Order in Council of the 31st August, 1939, P.C. 2434, and wherever said latter expression appears in any other Regulations or Instructions issued by or on behalf of the Minister of National Defence.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council authorizing further censorship regulations, 1939

P.C. 2499

AT THE GOVERNMENT HOUSE AT OTTAWA

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2481, dated first September, 1939, certain regulations were made with regard to censorship to be cited as "The Censorship Regulations 1939";

And whereas Order in Council P.C. 2496, dated first September, 1939, provided that those of the regulations aforesaid respecting cable, radio, telegraph and telephone companies, or in respect of the prevention of circulation or dissemination of prohibited matter, respectively, shall be applied only upon the specific direction of the Governor in Council with regard to each class of censorship provided by the said regulations;

And whereas the Minister of National Defence reports that it is desirable in the public interest to apply forthwith the said regulations in respect of and to the extent that they relate to cable companies and trans-oceanic radio communications;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, is pleased to order and doth hereby order and direct that "The Censorship Regulations 1939" shall be applied with respect to the operations, offices, works or property of any cable company, and so far as concerns trans-oceanic radio communications to the operations, offices, works or property of any radiotelegraph company and to the offices, works or property or any land telegraph and telephone company from and to which cable and radio messages may be transmitted and received.

(Sgd.) H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Order in Council calling out Units, Formations and Detachments of the
Auxiliary Active Air Force

P.C. 2500

AT THE GOVERNMENT HOUSE AT OTTAWA

Saturday, September 2, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that, by reason of the existence of grave emergency, it is deemed advisable for the security, defence, peace, order and welfare of Canada, that certain portions of the Auxiliary Active

Air Force be called out for service, and that the portions so called out for service, together with all Officers and Airmen of the Permanent Active Air Force, be placed on active service;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the powers conferred by the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, and otherwise, is pleased to call out, and doth hereby call out for service, as of and from the First Day of September, 1939, those Units, Formations and Detachments of the Auxiliary Active Air Force as are set out hereunder:—

No. 111 (Coast Artillery Co-Operation) Squadron

No. 110 (Army Co-Operation) Squadron

No. 112 (Army Co-Operation) Squadron

No. 115 (Fighter) Squadron

No. 118 (Bomber) Squadron

No. 119 (Bomber) Squadron

No. 120 (Bomber) Squadron

His Excellency in Council is hereby further pleased to order that the above Units, Formations and Detachments of the Auxiliary Active Air Force, together with all Officers and Airmen of the Permanent Active Air Force, be as of and from the date aforesaid placed on active service.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council approving application by the Government of the United Kingdom of the War Risks Insurance Scheme to British ships registered in Canada

Canada Gazette, 7th October, 1939.

P.C. 2504

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 2nd September, 1939.

The Committee of the Privy Council have had before them a report, dated 2nd September, 1939, from the Minister of Transport, representing:—

That requests have been received from owners of British ships registered in Canada that in case of war some arrangement be made for the protection by insurance of such ships;

That the Subcommittee appointed by the Inter-departmental Committee on Defence Co-ordination reported on June 24, 1939, recommending the importance of immediate action by the Canadian Government to approve of the extension of the British War Risks Insurance Scheme to British Ships registered in Canada.

That the General Secretary of the Inter-departmental Committee on Defence Co-ordination, under date of 21st August, 1939, advised the Department of Transport that the report of the said Subcommittee had been approved

by Your Excellency in Council and that the High Commissioner for Canada at London, had been advised to take the necessary action to inform the Government of the United Kingdom of the decision of the Canadian Government in the matter;

That on August 29, 1939, the High Commissioner for Canada in Great Britain cabled the Secretary of State for External Affairs, as follows:—

“No. 318. Your telegram No. 264 United Kingdom Government have agreed to apply War Risks Insurance Scheme to Canadian Ships and are to-day notifying war-risk Association accordingly. Scheme will therefore apply as from to-day for Canadian ships already entered in Association. As for those not yet entered it will apply as from date when entry is accepted by Association. Liability will be 80 per cent of value.

“Long list of Associations in England which are parties to scheme is being sent by air mail to-morrow although particulars could be cabled if desired.”

That it is desirable to obtain the approval of Your Excellency in Council of the extension of the British War Risks Insurance Scheme to British Ships registered in Canada on the basis set out in the said telegram No. 318 quoted above.

The Minister therefore recommends that approval be given to the application by the Government of the United Kingdom of the War Risks Insurance Scheme to British ships registered in Canada effective the 29th day of August, 1939, in respect to such ships entered in the Association on that date, and in respect of British ships registered in Canada not entered in the Association on the said date, effective as from the date when entry of such ships is accepted by the Association, and that the liability of the Government of Canada be fixed at eighty per centum of the value of such British ships registered in Canada entered in the Association.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council authorizing Postal Censorship

P.C. 2506

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 2nd day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2481, dated the 2nd September, 1939, certain regulations were made with regard to censorship to be known as “The Censorship Regulations 1939”;

And whereas Order in Council P.C. 2496, dated the 2nd September, 1939, provided that the regulations contained in Order in Council P.C. 2481 cited above, respecting postal censorship or in respect of the prevention of circulation or dissemination of prohibited matter, shall be applied only upon the specific direction of the Governor in Council provided by the said regulations;

And whereas the Postmaster General represents that it is desirable in the public interest to apply forthwith the said regulations in respect of and to the extent that they relate to postal censorship;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Postmaster General, is pleased to order and doth hereby order and direct that "The Censorship Regulations 1939" shall be applied with respect to a postal censorship in Canada.

His Excellency in Council is hereby further pleased to empower the Postmaster General to examine such mails as he deems advisable and to decide the disposition of all letters and other articles found objectionable from a censorship standpoint.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council naming the Depots listed as Corps of the Active Militia

P.C. 2507

AT THE GOVERNMENT HOUSE AT OTTAWA

Saturday, the 2nd day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that, by reason of the present emergency, certain additional components of the Active Militia are required;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under the provisions of Section 20 of The Militia Act, is hereby pleased, for the purpose of the Canadian Active Service Force, to name as Corps of the Active Militia the Depots as listed below—

1. A Depot for each squadron of Cavalry and company of Infantry—

The Royal Canadian Dragoons, C.A.S.F., Depots at Toronto, Ontario, and St. Jean, P.Q.

Lord Strathcona's Horse (Royal Canadians), C.A.S.F., Depots at Winnipeg, Manitoba, and Calgary, Alberta.

The Royal Canadian Regiment, C.A.S.F., Depots at London, Ontario, Toronto, Ontario; St. Jean, P.Q., and Halifax, N.S.

Princess Patricia's Canadian Light Infantry, C.A.S.F., Depots at Winnipeg, Manitoba, and Esquimalt, B.C.

Royal 22e Regiment, C.A.S.F., Depot at Quebec, P.Q.

2. A Depot for each of the following—

Royal Canadian Artillery, C.A.S.F., Kingston, Ontario.
Royal Canadian Horse Artillery, C.A.S.F., Winnipeg, Manitoba.
Royal Canadian Engineers, C.A.S.F., Halifax, N.S.

3. A District Depot for arms and services other than Cavalry and Infantry, which are shown in 1 and 4

No. 1 District Depot, C.A.S.F., Military District No. 1
No. 2 District Depot, C.A.S.F., Military District No. 2
No. 3 District Depot, C.A.S.F., Military District No. 3
No. 4 District Depot, C.A.S.F., Military District No. 4
No. 5 District Depot, C.A.S.F., Military District No. 5
No. 6 District Depot, C.A.S.F., Military District No. 6
No. 7 District Depot, C.A.S.F., Military District No. 7
No. 10 District Depot, C.A.S.F., Military District No. 10
No. 11 District Depot, C.A.S.F., Military District No. 11
No. 12 District Depot, C.A.S.F., Military District No. 12
No. 13 District Depot, C.A.S.F., Military District No. 13

4. Depots for each cavalry and infantry unit as mentioned below—

1st Hussars, C.A.S.F., Depot.
The Fort Garry Horse, C.A.S.F., Depot.
48th Highlanders of Canada, C.A.S.F., Depot.
The Hastings and Prince Edward Regiment, C.A.S.F., Depot.
The Toronto Scottish Regiment (M.G.) C.A.S.F., Depot.
The Seaforth Highlanders of Canada, C.A.S.F., Depot.
The Edmonton Regiment, C.A.S.F., Depot.
The Saskatoon Light Infantry (M.G.) C.A.S.F., Depot.
The West Nova Scotia Regiment, C.A.S.F., Depot.
The Carleton and York Regiment, C.A.S.F., Depot.
The Royal Montreal Regiment (M.G.) C.A.S.F., Depot.
The Perth Regiment (M.G.) C.A.S.F., Depot.
The Three Rivers Regiment (Tank) C.A.S.F., Depot.
The Essex Scottish Regiment, C.A.S.F., Depot.
The Royal Hamilton Light Infantry, C.A.S.F., Depot.
The Royal Regiment of Canada, C.A.S.F., Depot.
The Cameron Highlanders of Ottawa (M.G.) C.A.S.F., Depot.
1st Battalion, The Black Watch (Royal Highland Regiment) of Canada, C.A.S.F., Depot.
Les Fusiliers Mont-Royal, C.A.S.F., Depot.
Le Regiment de Maisonneuve, C.A.S.F., Depot.
Le Regiment de la Chaudiere (Mitrailleuses) C.A.S.F., Depot.
The South Saskatchewan Regiment, C.A.S.F., Depot.
The Calgary Highlanders, C.A.S.F., Depot.
The Queen's Own Cameron Highlanders of Canada, C.A.S.F., Depot.
The Winnipeg Grenadiers (M.G.) C.A.S.F., Depot.
The Westminster Regiment (M.G.) C.A.S.F., Depot.
The Ontario Regiment (Tank) C.A.S.F., Depot.
The Lorne Scots (Peel, Dufferin and Halton Regiment), C.A.S.F., Depot.
The Sherbrooke Regiment (M.G.) C.A.S.F., Depot.

His Excellency in Council is hereby further pleased pursuant to Section 64 of The Militia Act, to place on active service in Canada, the above-named Depots.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

**Order in Council calling out officers and airmen of the Reserve Air Force
as required**

P.C. 2511

AT THE GOVERNMENT HOUSE AT OTTAWA

3rd September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that, by reason of the existence of grave emergency, it is deemed advisable for the security, defence, peace, order and welfare of Canada, that certain personnel of the Reserve Air Force be called out for service, and placed on active service;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and under and by virtue of the powers conferred by the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, and otherwise, is pleased to authorize and doth hereby authorize the Minister of National Defence to call out for service from time to time such Officers and Airmen of the Reserve Air Force as may be required.

His Excellency in Council is further pleased to order and it is hereby ordered that as of and from the dates such Officers and Airmen are respectively called out for service they be placed on active service.

(Sgd.) H. W. LOTHROP,

Asst. Clerk of the Privy Council.

Order in Council regulating Trading with the Enemy—Regulations

P.C. 2512

Canada Gazette, 11th September, 1939

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, 5th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Acting Secretary of State of Canada, with the concurrence of the Acting Minister of Finance, reports that it is expedient to make Regulations under and by virtue of the power vested in the Governor in Council by the War Measures Act, R.S.C. 1927, Chapter 206, with the view of regulating trading with the enemy and the treatment of enemy property;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State, is pleased to make the attached Regulations marked "A" and described as "Regulations respecting Trading with the Enemy, 1939", and they are hereby made and established accordingly.

(Sgd.) H. W. LOTHROP,

Asst. Clerk of the Privy Council.

NOTE: "Regulations respecting Trading with the Enemy, 1939," printed by the King's Printer.

Order in Council approving Censorship Co-ordination Committee

P.C. 2513

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 3rd of September, 1939.

The Committee of the Privy Council have had before them a report, dated 2nd September, 1939, from the Postmaster General, submitting that in view of the fact that several departments of the Government are responsible for carrying out the provisions of the Censorship Regulations and that as censorship as a whole will be efficient only to the extent to which the activities of the several departments are co-ordinated, he is of the opinion that a Censorship Co-ordination Committee should be set up to supervise and co-ordinate the activities of the several departments.

The Minister, therefore, recommends that a Committee be set up to be called The Censorship Co-ordination Committee to consist of a Chairman, to be appointed by the Governor in Council, and six members, one to be appointed by the Minister of National Defence, two to be appointed by the Minister of Transport, two by the Acting Secretary of State, and one by the Postmaster General.

The Minister further recommends that this Committee be empowered to direct and co-ordinate the censorship activities of the several departments of the Government of Canada.

The Committee concur in the foregoing recommendations, and submit the same for approval.

(Sgd.) H. W. LOTHROP,

Asst. Clerk of the Privy Council.

Order in Council retaining services of members of the Naval Forces, the Militia or the Royal Canadian Air Force as Civil Servants— if required by their Departments

P.C. 2514

AT THE GOVERNMENT HOUSE AT OTTAWA

The 3rd day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Acting Secretary of State reports that there are many persons employed in the Public Service of Canada, who are members of the Naval Forces, the Militia or the Royal Canadian Air Force, as the case may be;

That, pursuant to due authority in that behalf, certain parts of the Naval Forces, the Militia and the Royal Canadian Air Force, in which are comprised many of the persons aforesaid, have been placed on or called into active service;

That there are also certain of such persons who have been called out on service by the Minister of National Defence, pursuant to Regulations made in that behalf;

That it will be necessary, in order to carry on the public service in the several departments of the government, to retain a sufficient number of experienced and qualified men for such purpose, although such persons may have been placed on or called into active service or called out for service as aforesaid;

That there are no provisions respecting the retention in the public service of Canada, should their services therein be so required, of those members of the public service placed on or called into active service or called out for service aforesaid, and, in the opinion of the Minister, it is expedient that such provision be made;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State, and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding anything to the contrary contained in any other Act or Regulation, is pleased to make the following Regulation, and it is hereby made and established accordingly:

Any person employed in the Public Service of Canada, who, by reason of his being a member of the Naval Forces, the Militia or the Royal Canadian Air Force, as the case may be, has been or is placed on or called into active service under the authority of the Governor in Council, or has been called out for service by the Minister of National Defence, shall, if the head of the Department or Service of the Government in which he is employed is of the opinion that his services therein should be retained, be so retained for so long as his services are so required, and whilst so retained shall not be liable to serve in that part of the Forces to which he belongs.

This Regulation shall be deemed to come into force and effect as, of, and from, the first day of September, 1939.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council establishing regulations concerning prices of food,
fuel and other necessities of life

P.C. 2516

Canada Gazette, 23rd September, 1939

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA,

The 3rd day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas it is deemed desirable to provide safeguards under war conditions against any undue enhancement in the prices of food, fuel and other necessities of life, and to ensure an adequate supply and equitable distribution of such commodities;

Now therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to the powers conferred by section 6 of the War Measures Act, 1914, or otherwise vested in the Governor in Council, is pleased to make the annexed regulations and they are hereby made and established accordingly.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

NOTE.—“Regulations Respecting Necessaries of Life” printed by War Time Prices and Trade Board.

Order in Council providing for internment of Enemy Aliens

Canada Gazette, 7th October, 1939

P.C. 2521

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA,

Monday, the 4th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Acting Secretary of State, with the concurrence of the Minister of National Defence, reports that it is desirable to make provision for the establishment of stations or camps in which enemy aliens may be interned;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State and under and in virtue of the provisions of the War Measures Act and of any other law in force in Canada, is pleased to make the following Regulations and they are hereby made and established accordingly:

REGULATIONS

1. The Minister of National Defence shall appoint a senior officer of the Militia of Canada, who shall be described as the Director of Internment Operations and who shall report to the Secretary of State of Canada.

2. The Director of Internment Operations shall be responsible for the supervision and co-ordination of internment operations throughout Canada.

3. Until otherwise ordered by the Governor in Council, the Department of National Defence shall be responsible for the establishment and maintenance of such internment stations or camps as the Director of Internment Operations may certify to the Minister of National Defence as being necessary, and shall be responsible for providing guards, rations and clothing for the persons interned, and, generally, shall be responsible for the internal discipline and administration of such stations or camps.

4. The Secretary of State of Canada shall appoint such assistants and clerks as may be required by the Director of Internment Operations and whose employment may be authorized by the Treasury Board and, subject to the approval of the Treasury Board, shall fix the salaries and allowances to be paid to such assistants and clerks.

(Sgd.) H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Order in Council establishing control of shipping

Canada Gazette, 7th October, 1939

P.C. 2524

AT THE GOVERNMENT HOUSE AT OTTAWA,

Tuesday, the 5th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Transport reports that there are on the Canadian Register of Shipping more than four hundred and fifty ships exceeding 500 tons gross tonnage which may engage in voyages between ports outside of Canada or between ports in Canada and ports outside of Canada; and

That it is desirable in the public interest that provision be made to restrict and control the voyages between ports outside of Canada or between ports in Canada and ports outside of Canada of British ships registered in Canada;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, with the concurrence of the Ministers of National Defence, National Revenue and Trade and Commerce, is pleased, under and by virtue of the provisions of the War Measures Act, and of any other law in force in Canada, to make the following regulation and it is hereby made and established accordingly:

REGULATION

(1) From and after midnight of the sixth day of September, 1939, no British ship registered in Canada, whose gross tonnage exceeds 500 tons, shall proceed to sea on any voyage from a port in Canada to a port outside of Canada or vice versa, or from a port outside of Canada to any other port outside of Canada, except under the authority of and in accordance with a licence granted on behalf of the Minister of Transport;

(2) The Minister of Transport is hereby authorized and directed to appoint a Licensing Board composed of representatives of the Departments of National Defence, National Revenue, Trade and Commerce, and Transport, of which the representative of the Department of Transport shall be the Chairman, and the said Board shall have power to grant on behalf of the Minister of Transport the licences required by this regulation, which licences may be special or general with reference to classes of ships and their voyages.

(3) The Minister of Transport is hereby authorized from time to time as occasion may arise to add other persons as members of the said Board, and to substitute as members thereof other persons in place of such members as may from time to time die, resign or become incapable of acting thereon;

(4) If any such ship referred to in paragraph (1) of this regulation proceeds or attempts to proceed to sea in contravention of this regulation, the Master of the ship and the person having the management thereof shall each be guilty of an offence and be liable on summary conviction to a penalty not exceeding \$500, and such ship shall be liable to be forfeited to His Majesty;

(5) Any person acting on behalf of His Majesty may, in relation to any such ship, take such steps and use such force as may appear to that person to be reasonably necessary for securing compliance with this regulation, or, where an offence against this regulation has occurred in the case of the ship, for enabling proceedings in respect of this regulation to be effectually taken.

(Sgd.) H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Order in Council retaining services of certain Civil Servants and other employees—if deemed necessary

P.C. 2525

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 5th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Transport represents that there are many persons employed in essential services of Canada, namely, the Canadian Broadcasting Corporation, the National Harbours Board, the Canadian National Steamships (West Indies), the Trans-Canada Air Lines, all Railway Companies and Telegraph Companies operating in Canada who are members of the Naval Force, the Militia or the Royal Canadian Air Force, as the case may be;

That, pursuant to due authority in that behalf, certain parts of the Naval Forces, the Militia and the Royal Canadian Air Force, in which are comprised many of the persons aforesaid, have been placed on or called into active service;

That there are also certain of such persons who have been called out on service by the Minister of National Defence pursuant to regulations in that behalf;

That it will be necessary, in order to carry on the essential service aforesaid, to retain a sufficient number of experienced, qualified men for such purpose, although such persons may have been placed on or called out for service as aforesaid; and

That there are no provisions respecting retention in essential services aforesaid of such persons employed in such services who are placed on or called into active service or called out for service, as aforesaid, and in the opinion of the Minister it is expedient that such provision be made.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased, notwithstanding anything to the contrary contained in any other Act or Regulation, to make the following Regulation, and it is hereby made and established accordingly:

REGULATION

(1) Any person employed in the essential services aforesaid, namely: the Canadian Broadcasting Corporation, the National Harbours Board, the Canadian National Steamships (West Indies), the Trans-Canada Air Lines, all Railway Companies and Telegraph Companies operating in Canada—who by reason of his being a member of the Naval Forces, the Militia or the Royal Canadian Air Force, as the case may be, has been or is placed on or called into active service under the authority of the Governor in Council, or has been called out for service by the Minister of National Defence, shall, if the Minister of Transport is of the opinion that his services in the Company, Board or Corporation by which he is employed should be retained, be so retained for so long as his services are so required, and whilst so retained shall not be liable for service in that part of the Force to which he belongs;

(2) This regulation shall be deemed to have come into force and effect as, of, and from the first day of September, 1939.

(Sgd.) H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Order in Council calling out for active service certain Units, Formations
and Detachments of the Auxiliary Active Air Force

P.C. 2532

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 5th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that, by reason of the existence of grave emergency, it is deemed advisable for the security, defence, peace, order and welfare of Canada, that certain additional portions of the Auxiliary Active Air Force be called out for service, and that the portions so called out for service be placed on active service;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the powers conferred by the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and otherwise, is pleased to call out, and doth hereby call out for service, as of and from the Fourth day of September, 1939, those Units, Formations and Detachments of the Auxiliary Active Air Force as are set out hereunder

No. 100 Wing Headquarters

No. 101 Wing Headquarters

No. 102 Wing Headquarters

No. 113 (Fighter) Squadron

No. 114 (Bomber) Squadron

No. 116 (Fighter) Squadron

No. 117 (Coast Artillery Co-operation) Squadron.

His Excellency in Council is hereby further pleased to order that the above Units, Formations and Detachments of the Auxiliary Active Air Force be, as of and from the date aforesaid, placed on active service.

(Sgd.) H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Order in Council stating—Government Vessels Discipline Act does not
apply to Government ships transferred to Naval Service

P.C. 2533

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 5th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas, the Minister of National Defence reports that certain Canadian Government ships are required for Naval purposes, and that the necessary action for their transfer to the Naval Service is being taken from time to time;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under the provisions of Section 41 of the Naval Service Act, Chapter 139, "Revised Statutes of Canada 1927," is pleased to order, and it is hereby ordered, that the Government Vessels Discipline Act, Chapter 203, the "Revised Statutes of Canada 1927," shall not apply to such ships whilst the said ships are under the jurisdiction and control of the Naval Service.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council establishing Censorship Regulations in regard to
circulation of prohibited matter and press censorship

P.C. 2562

PRIVY COUNCIL

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 6th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas, by Order-in-Council of the 1st September, 1939 (P.C. 2481) The Censorship Regulations, 1939, were made and established:

And Whereas, by Order-in-Council of the 1st September, 1939, (P.C. 2496) it was provided that the Regulations with regard to censorship in respect of cable, radio, telegraph, telephone companies or in respect to the prevention of the circulation or dissemination of prohibited matter respectively, should be applied only on specific direction of the Governor-in-Council with regard to each class of censorship provided for by the said Regulations:

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State, is pleased to order and doth hereby order and direct that those sections or parts of the Censorship Regulations, 1939, which relate to the prevention of the circulation or dissemination of prohibited matter, and more particularly in respect to press censorship, shall be applied as of and from the 6th day of September, 1939.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council establishing Censorship Regulations in regard to the
operations, offices, works or property of radiotelegraph or radio-
telephone station, radio broadcasting station or any other class of
radio station

P.C. 2563

PRIVY COUNCIL

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 6th day of September, 1939.

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council (P.C. 2481), dated the first day of September, 1939, certain regulations were made with regard to censorship to be cited as "The Censorship Regulations 1939";

And whereas by Order in Council (P.C. 2496), dated the first day of September, 1939, it was ordered that the regulations with regard to censorship in respect of cable, radio, telegraph and telephone companies, or in respect of the prevention of circulation or dissemination of prohibited matter, respectively, shall be applied only upon specific direction of the Governor in Council with regard to each class of censorship provided for by the said regulations;

And whereas the Minister of Transport reports that it is expedient to bring into force the provisions of The Censorship Regulations 1939 with respect to radio communications within Canada;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to order and doth hereby order and direct that those parts or sections of The Censorship Regulations 1939 having reference to the operations, offices, works or property of any radiotelegraph or radiotelephone station, radio broadcasting station or any other class of radio station, whether for transmission or reception or both, which are placed under the direction of the Minister of Transport by the said Regulations, be applied as of and from the sixth day of September, 1939.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council providing protection for Civil Servants placed on or called into Active Service, as regards leave of absence, superannuation, statutory increases, etc.

P.C. 2584

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 7th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Acting Minister of Finance reports that, in the interests of the national welfare, suitable action should be taken to provide for those members of the Public Service who, as members of the Naval, Militia or Air Forces, have been, or may be, placed on or called into active service by the Governor in Council, or who have been or may be, called out for service by the Minister of National Defence;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Finance and under the authority of the War Measures Act, Chapter 206, R.S.C., 1927, is pleased to order and it is hereby ordered as follows, with effect on and from September 1, 1939:

Notwithstanding the provisions of any Act or regulation made thereunder:

1. Any person employed in the Public Service of Canada, as a charge to the Consolidated Revenue Fund, may be treated, subject to the approval of the head of the employing department or division of the Public Service, as being on leave of absence without pay from his civil position during the period he, as a member of the Forces, is placed on, or called into active service by the Governor in Council, or is called out for service by the Minister of National Defence.

2. If such person is a contributor to the Superannuation Fund established under the Civil Service Superannuation Act, Chapter 24, R.S.C., service as a

member of the Forces, as aforesaid, shall be counted as service for the purposes of the said Superannuation Act, but the contributor shall not be obligated to contribute for such service, or for arrears which otherwise would be payable during the period he is serving in the Forces.

3. In the event of death or permanent disablement, for which superannuation annuities are provided by the Civil Service Superannuation Act, during the period of service in the Forces as aforesaid, there may be granted, under the authority of the said Act, the same benefits as the contributor, or his dependents, would have been eligible to have been granted if death or permanent disability occurred when serving in civil capacity at civil rates of compensation.

Provided that the benefits of paragraphs 2 and 3 of this Order shall not be granted to any contributor, if, in the opinion of the Minister of Finance, his conduct in the Forces has been such as to make him unworthy of consideration.

4. Any person granted leave of absence without pay under the authority of this Order shall be eligible, if and when granted an honourable discharge from active service in the Forces to permit his return to his Public Service employment:

- (a) *If on leave of absence from a position subject to the Civil Service Superannuation Act and which he occupies in permanent capacity*—to return to his civil position, and such leave of absence shall not affect his seniority nor be treated as having deferred any statutory increases in compensation which he otherwise would have been eligible to have been granted.
- (b) *If on leave of absence from a position which he held on a temporary certificate of the Civil Service Commission*—to return to employment in the Civil Service in a position equivalent to that which he held at the time he became subject to the provisions of this Order, and such leave of absence shall not preclude his permanent appointment, subject to such examination as the Civil Service Commission may consider necessary, nor be treated as having deferred any statutory increases and compensation which he otherwise would have been eligible to have been granted provided that the deputy head of the employing department may, at any time before the expiration of six months, reject for cause any person so appointed, or may extend the period of probation within which such person may be rejected for another six months.
- (c) *If on leave of absence from a position held in temporary capacity other than by Civil Service Act certificate*—subject to oral examinations only, to be placed on eligible lists established under the Civil Service Act for positions or classes or positions equivalent to that occupied by him, or for any other position for which he may have qualified in a Civil Service Act competition at the time he became subject to the provisions of this Order.

Provided that the benefits of paragraph 4 of this Order shall not be extended to any person who fails, within six months from the date of his discharge, to return to the duties of his position, or to make application to the Civil Service Commission for appointment to a position.

5. No abolition of a position held by a person who is on leave of absence without pay, under the authority of this Order, shall take place until the Minister of Pensions and National Health certifies that all reasonable safeguards have been provided to protect the civil interests of such person.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council establishing further regulations—Trading with
the Enemy

Canada Gazette, Supplement—30th September, 1939

P.C. 2586

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 8th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Acting Secretary of State of Canada, with the concurrence of the Minister of Finance, reports that, in respect to the Regulations approved by Order in Council (P.C. 2512) of the 5th September, 1939, and described as "Regulations respecting Trading with the Enemy, 1939," it is expedient under and by virtue of the power vested in the Governor in Council by the War Measures Act (R.S.C. 1927, Chapter 206) to make further Regulations to be read with and to form part of the said Regulations;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State with the concurrence of the Minister of Finance, is pleased to make the following Regulations and they are hereby made, enacted and put into force, to be read with and to form part of the Regulations respecting Trading with the Enemy, 1939:—

1 A. During the period from and including the 2nd day of September, 1939, until the date upon which His Majesty the King makes a declaration of the existence of a state of war between Canada and the German Reich, hereinafter referred to as the period of apprehended war, the Regulations respecting Trading with the Enemy shall be deemed to be applicable.

2 A. For the purpose of the application of such Regulations, the expressions therein contained shall be construed, during the period of apprehended war, so as to adapt them for such purpose.

3 A. Without restricting the generality of the foregoing, the following expressions therein contained shall be construed, during the period of apprehended war, for such purpose, in the following manner:—

- (a) The expression "the German Reich" shall be substituted for the expression "any State or sovereign of a State at war with His Majesty," and like expressions.
- (b) The expression "the period of apprehended war" shall be substituted for the expression "the present war," and like expressions.
- (c) The expression "commencement of the period of apprehended war" shall be substituted for the expression "commencement of the present war" and like expressions.
- (d) The expression "period of apprehended war" shall, when the context otherwise permits, be substituted for the expression "state of war."

4 A. Without restricting the generality of the foregoing, the following expressions therein contained shall be construed, both during the period of apprehended war and thereafter, for such purpose, in the following manner:—

- (a) The expression "proclamation by His Majesty" and like expressions shall mean "proclamation by His Majesty acting by and with the advice of the Government of Canada."
- (b) The provisions of Paragraph (1) of Regulation No. 5 shall be construed as if publication of the Regulations in the *Canada Gazette* had taken place at the commencement of the period of apprehended war.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

**Order in Council amending Defence of Canada Regulations—Transfer of
Aircraft registered in Canada**

Canada Gazette, 7th October, 1939

P.C. 2590

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 8th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council (P.C. 2483) of September 3, 1939, the Defence of Canada Regulations were made and established, pursuant to the provisions of the War Measures Act, Chapter 206, of the Revised Statutes of Canada, 1927;

And whereas the Minister of Transport reports that it is deemed expedient to amend the said Regulations by the addition thereto of a new Regulation, to be numbered 41A, providing for the transfer of aircraft registered in Canada;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and under the provisions of the War Measures Act, is pleased to amend the Defence of Canada Regulations, as made and established by Order in Council (P.C. 2483) of September 3, 1939, and they are hereby amended by the addition thereto of a new Regulation, to be numbered 41A, and to read as follows;

"41A. Regulation 41 shall apply to aircraft, as defined in The Air Regulations, 1938, in the same manner and to the same extent as if the expression "aircraft" was used in the said Regulation in the place and stead of the expression "ship", provided that when the expression "aircraft" is so used, any reference in the said Regulation, to a share or mortgage, or to a mortgagee, or to the Canada Shipping Act, 1934, shall be deleted therefrom, as also subsections 5 and 6 thereof."

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council placing Royal Canadian Naval Reserve and Royal
Canadian Naval Volunteer Reserve on Active Service

P. C. 2595

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 9th day of September, 1938.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under the provisions of Section 19 of the Naval Service Act, Chapter 139, Revised Statutes of Canada, 1927, is pleased to place and doth hereby place on Active Service all Officers and Ratings of the Royal Canadian Naval Reserve and the Royal Canadian Naval Volunteer Reserve from such date in each individual case, as may be determined by the Chief of the Naval Staff.

(Sgd.) H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Order in Council waiving maximum age limits for entry in the Royal
Canadian Navy, Royal Canadian Naval Reserve and the Royal Canadian
Naval Volunteer Reserve

P.C. 2596

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 9th September, 1939.

The committee of the Privy Council have had before them a report, dated 4th September, 1939, from the Minister of National Defence, submitting that Regulations and Instructions for the Royal Canadian Navy, Royal Canadian Naval Reserve and the Royal Canadian Naval Volunteer Reserve lay down maximum age limits beyond which it is not permissible to enter Officers and Ratings in the Naval Forces concerned.

The Minister observes that there is a large number of individuals with Naval experience and others who are fully qualified for Naval Service except in respect to their age.

The Committee, therefore, on the recommendation of the Minister of National Defence, advise that authority be granted for the maximum age limits for entry in the Royal Canadian Navy, Royal Canadian Naval Reserve and the Royal Canadian Naval Volunteer Reserve to be waived in respect to personnel of those forces entered for war service.

(Sgd.) H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Order in Council establishing Agricultural Supplies Committee

Canada Gazette, 7th October, 1939

P.C. 2621

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 9th September, 1939.

The Committee of the Privy Council have had before them a report, dated 9th September, 1939, from the Minister of Agriculture, representing that in view of the immediate necessity of mobilizing the Canadian agricultural industry to facilitate maximum export of agricultural supplies to Great Britain and her Allies, and to ensure that the agricultural resources of the Dominion shall be utilized to the best advantage, it is essential that provision be made for constructive direction of agricultural production and for dealing with matters pertaining to the purchase, preparation, and conservation of agricultural products.

The Minister, therefore, recommends that under, and by virtue of, the powers in that behalf conferred on the Governor in Council by the War Measures Act, 1914, an Agricultural Supplies Committee be hereby established to be composed of six officers of the Department of Agriculture, of whom one shall be Chairman, appointed by the Governor in Council on the recommendation of the Minister of Agriculture, such Committee to report to the Minister of Agriculture as and when required to do so by the Minister.

The Minister further recommends that the duties and powers of the Committee be as follows:

1. To direct and regulate through the various Dominion and provincial agricultural services and through Advisory Boards representative of the industry which are already constituted, or which may be established, the production, preparation, and conservation of farm products;
2. To establish Advisory Boards representative of the industry;
3. Subject to the approval of the Governor in Council, to deal with matters pertaining to the purchase of agricultural products;
4. To take measures, with the approval of the Governor in Council, to regulate the distribution of feed, seed, fertilizers, insecticides, fungicides, and other materials for use in the production of farm products;
5. For the purpose of carrying out the provisions of the preceding paragraph, to purchase, store and distribute supplies for use in agricultural production;
6. To initiate and submit to the War-Time Prices and Trade Board measures designed to prevent abnormal relationships in prices of agricultural products, and to prevent abnormal relationships between prices of materials and equipment for use in agricultural production and the prices of agricultural products which would result in unbalanced production;
7. Subject to the approval of the Governor in Council to appoint such officers, clerks and other persons as may be deemed necessary to assist the Committee in the performance of its duties, such appointees to receive such remuneration as the Committee, with the approval of the Governor in Council, shall determine;

8. To establish at any place, or places in Canada, such office, or offices, as may be required for the discharge of the duties of the Committee and provide therefor the necessary accommodation, stationery and equipment;

9. To incur, out of monies provided by Parliament, expenditures for the maintenance of offices, for publicity, for salaries and travelling expenses of appointees of the Committee, for travelling expenses of members of advisory boards and of persons whose services may be temporarily required, and, subject to the approval of the Governor in Council, for the purchase, storage, and distribution of supplies for agricultural production, for assistance in the preparation and conservation of agricultural products and for such other activities as the Committee may be authorized to undertake.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council authorizing Proclamation that a state of war exists between Canada and the German Reich, as and from September 10th, 1939.

P.C. 2626

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 10th September, 1939.

The Committee of the Privy Council have had under consideration a report, dated 9th September, 1939, from the Right Honourable W. L. Mackenzie King, the Prime Minister of Canada, representing,—

(1) that a state of war exists between the United Kingdom, France and Poland, on the one hand, and the German Reich, caused by unwarranted German aggression; and

(2) that the Militia, the Naval Service and the Air Force have been placed on active service, and certain other provisions have been made for the defence of our coasts and our internal security under The War Measures Act and other existing authorities, pending the decision by the Parliament of Canada upon the policy to be adopted in the circumstances; and

(3) that, in view of the approval by the Parliament of Canada of the Speech from the Throne and of the policy of immediate participation in the war, it is expedient that a Proclamation should be issued declaring the existence of a state of war between Canada and the German Reich.

The Prime Minister, therefore, recommends that the advice of the King's Privy Council for Canada should be submitted to His Majesty the King, with a view to the authorization by him of the issuing of a Proclamation forthwith, to be published in the *Canada Gazette*, to the following effect:—

Declaring that a state of war with the German Reich exists and has existed in Canada as and from September the tenth.

The Committee concur in the foregoing recommendation and submit the same for Your Excellency's approval.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

PROCLAMATION

TWEEDSMUIR

[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To ALL TO WHOM these Presents shall come or whom the same may in anywise concern, GREETING:

A PROCLAMATION

ERNEST LAPOINTE,
Attorney General,
Canada.

Whereas by and with the advice of Our Privy Council for Canada We have signified Our Approval of the issue of a Proclamation in the *Canada Gazette* declaring that a State of War with the German Reich exists and has existed in Our Dominion of Canada as and from the tenth day of September, 1939.

Now, therefore we do hereby declare and proclaim that a State of War with the German Reich exists and has existed in Our Dominion of Canada as and from the tenth day of September, 1939.

Of all which Our Loving Subjects and all others whom these presents may concern are hereby required to take notice and to govern themselves accordingly.

In testimony whereof we have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved John, Baron Tweedmuir of Elsfield, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this tenth day of September, in the year of Our Lord one thousand nine hundred and thirty-nine and in the Third year of Our Reign.

By Command,

W. L. MACKENZIE KING,
Prime Minister of Canada.

Order in Council giving authority to capture and seize all German ships

Canada Gazette, 7th October, 1939

P.C. 2629

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 11th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas, the Minister of National Defence reports that a state of war existing with the Reich makes it necessary to seize and take possession of enemy ships of any description, together with the cargo and other equipment on board;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, is pleased to grant and doth hereby grant authority to take all measures necessary to capture and seize all German ships of every description within Canadian waters or upon the high seas, without any allowance of days of grace.

(Sgd.) H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Canada Gazette, 12th September, 1939

PROCLAMATION

TWEEDSMUIR

[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India;

To ALL TO WHOM these Presents shall come or whom the same may in anywise concern,—

GREETING:

A PROCLAMATION

W. STUART EDWARDS, Deputy Minister of Justice, Canada

Whereas sub-paragraph (7) of Regulation 24 of the Defence of Canada Regulations provides that on the coming into force of the said Regulation public notice thereof shall forthwith be given by Proclamation.

And whereas the said Regulation came into force on the third day of September, one thousand nine hundred and thirty-nine.

Now know ye that we do by this Our Proclamation hereby give public notice of said Regulation numbered 24 of the Defence of Canada Regulations, set out hereunder, dealing with the arrest, detention and internment of enemy aliens in Canada:

24. (1) All enemy aliens in Canada, so long as they peacefully pursue their ordinary avocations, shall be allowed to continue to enjoy the protection of the law and shall be accorded the respect and consideration due to peaceful and law abiding citizens and they shall not be arrested, detained or interfered with, provided they comply with the requirements in respect of registration prescribed in the next following Regulation, unless there is reasonable ground to believe that they are engaged in espionage, or are engaging or attempting to engage in acts of a hostile nature, or are giving or attempting to give information to the enemy, or unless they otherwise contravene any law, Order in Council, or Proclamation.

(2) All enemy aliens who—

- (a) are members of enemy armed forces and who attempt to leave Canada;
- (b) attempt to leave Canada, and in regard to whom there is reasonable ground to believe that their attempted departure is with a view to assisting the enemy;
- (c) are engaged or who attempt to engage in espionage or acts of a hostile nature, or who give or attempt to give information to the enemy, or who assist or attempt to assist the enemy, or who are on reasonable grounds suspected of doing or attempting to do any of the said acts;

shall be arrested and detained.

(3) The power to effect the arrest and detention of all or any person or persons coming within any of the classes mentioned in paragraph (2) of this Regulation shall be vested in the Commissioner, officers and constables of the Royal Canadian Mounted Police and in such other persons as may be authorized so to do by the Commissioner of the Royal Canadian Mounted Police.

(4) The authorities and officers mentioned in paragraph (3) of this Regulation shall be authorized to release any such person so arrested or detained as aforesaid of whose good faith and responsibility they may be satisfied on his signing an undertaking in the form following:

UNDERTAKING

I,at present of.....
in the Province of.....in the Dominion of Canada, do hereby
subject

declare that I am a.....
citizen

I now in consideration of my release or exemption from detention as
subject
a of..... hereby undertake and promise that
citizen

I will report to such officer or official and upon such terms as the Canadian authorities may from time to time prescribe; that I will carefully observe and obey the laws of Canada and such rules or regulations as may specially be prescribed for my conduct by competent authority; that I will strictly abstain from taking up arms against and from doing any act of hostility towards the Government of this country, and that, except with the permission of the officer or official under whose surveillance I may be placed, I will strictly abstain from communicating to anyone whomsoever any information concerning the existing war or the movement of troops or the military preparations which the authorities of Canada or the United Kingdom or any of His Majesty's

Dominions or any allied or associated Power may make, or concerning the resources of Canada, and that I will do no act and will not encourage the doing of any act which might be of injury to the Dominion of Canada or the United Kingdom or any of His Majesty's Dominions or any allied or associated Power.

Dated day of

Witness

Signature.....

(5) Any such person so arrested and detained as aforesaid, of whose good faith and responsibility the officer or authority making the arrest is not satisfied, or who refuses to sign such undertaking or who, having signed such undertaking, fails to abide by its terms, shall be interned as a prisoner of war in such place as may be provided by the Department of National Defence; and, if it be deemed necessary that guards be placed on persons so interned, such guards shall be furnished by the Department of National Defence. Pending internment any such person may be confined without warrant in any police station, lock up or gaol, and the keeper or person in control of such police station, lock up or gaol shall take and safely keep any such person so committed until he is interned or released.

(6) All such authorities and officers who may exercise any of the powers prescribed in this Regulation shall report in each case to the Commissioner, Royal Canadian Mounted Police, stating the name, address and occupation of the person detained or paroled, the date and place of detention and generally the circumstances of the arrest and detention and all such information as may be necessary or useful for the purposes of record and identification.

(7) On the coming into force of this regulation public notice thereof shall forthwith be given by Proclamation.

OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

In testimony whereof we have caused these our letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved John, Baron Tweedsmuir of Elsfield, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this eleventh day of September, in the year of Our Lord one thousand nine hundred and thirty-nine and in the Third year of Our Reign.

By Command,

E. H. COLEMAN,
Under-Secretary of State.

Order in Council authorizing Regulations—Sale and Use of Codeine

Canada Gazette, 7th October, 1939

P.C. 2635

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 11th day of September, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under the provisions of Section 3 of the War Measures Act, being Chapter 206 of the Revised Statutes of Canada, 1927, the Governor in Council may do and authorize such acts and things, and make from time to time such orders and regulations, as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary or advisable for the security, defence, peace, order and welfare of the Country;

And whereas the Minister of Pensions and National Health reports that a restriction in the sale and use of Codeine, a drug scheduled in Part II of the Opium and Narcotic Drug Act, (Chapter 144 of the Revised Statutes of Canada as amended) as also of preparations containing quantities of other narcotics similarly scheduled, is necessary in the interests of the general welfare of Canada;

That supplies of Codeine, by reason of the rapid turnover therein, only approximate, in terms of months' supply, one-half that of Morphine, and the consequent prior exhaustion of Codeine supplies, in the absence of fresh imports which are uncertain, would result in inordinate demands upon the Morphine supplies, which are absolutely essential for the use of seriously sick people;

That this situation is also accentuated by the requirements of the Department of National Defence for Morphine in connection with mobilization supplies and the subsequent maintenance thereof, which, however, are well within the present capacity of this Country to supply;

That another factor is that, under normal conditions, more than half the Codeine in Canada is utilized in the manufacture of preparations containing other medicinal ingredients and sold freely to the public by retail druggists without medical prescription;

That five Provinces, under their Pharmacy Act, require medical prescriptions for straight Codeine and preparations containing varying proportions thereof, while in the remaining four provinces there is no control of that kind;

And whereas the Minister is of the opinion that it is necessary to conserve the stocks of all narcotics in Canada, in view of the cessation of supply from normal avenues of receipt, and to restrict the use of Codeine to those purposes found necessary by the Medical, Dental and Veterinary professions, to ensure that present supplies are retained in the form of straight Codeine, unless specially licensed for processing into preparations, and to ensure that no preparations containing, amongst other ingredients, any of the narcotics shown in the Schedule to the Opium and Narcotic Drug Act shall be available to the public except upon prescriptions issued by members of the Medical, Dental and Veterinary professions licensed and in good standing;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health and under the above cited authority, is pleased to make the following Regulations and they are hereby made and established accordingly:

REGULATIONS

1. No straight Codeine in Canada, whether in powder, tablet or liquid form, shall be utilized in the manufacture of preparations containing other

medicinal ingredients, unless a special licence for that purpose has been issued by the Department of Pensions and National Health subsequent to the passing of this regulation; provided that the provisions of this regulation shall not affect the right of a physician, dentist or veterinary surgeon, in the ordinary course of his practice, to compound, or of a retail druggist or the dispenser in a hospital to compound straight Codeine with other medicinal ingredients when filling a specific prescription therefor duly signed and dated by a physician licensed and in good standing, or, insofar as retail druggists are concerned, similar prescriptions signed and dated by dentists and veterinary surgeons licensed and in good standing.

2. No retail druggist shall sell or supply straight Codeine, whether in powder, tablet or liquid form, or preparations containing any quantity of any of the narcotic drugs mentioned in Parts I and II of the Schedule to the Opium and Narcotic Drug Act, mixed with medicinal or other ingredients, except upon the written order or prescription therefor signed and dated by a physician, veterinary surgeon or dentist whose signature is known to the said druggist, or, if unknown, duly verified before such order or prescription is filled. No such order or prescription shall be filled upon more than one occasion, and shall be filed by such retail druggist and be available for subsequent inspection.

3. Any person found in possession of Codeine or preparations containing narcotic drugs mentioned in Parts I and II of the Schedule to the Opium and Narcotic Drug Act, mixed with other medicinal ingredients, save and except under the authority of a licence from the Minister of Pensions and National Health first had and obtained, or other lawful authority, shall be liable to the penalties provided upon summary conviction under the provisions of Section 4 of the Opium and Narcotic Drug Act.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council authorizing R.C.N. ships to co-operate with R.N.

P.C. 2638

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 14th day of September, 1939

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL—

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and under the provisions of Section 20 of the Naval Service Act, Chapter 139, R.S. of Canada 1927, is pleased to grant and doth hereby grant authority for the following ships of the Royal Canadian Navy, together with the officers and seamen serving therein, to co-operate to the fullest extent with the forces of the Royal Navy:

H.M.C.S. *Saguenay*,
H.M.C.S. *Skeena*,
H.M.C.S. *St. Laurent*,
H.M.C.S. *Fraser*,
H.M.C.S. *Ottawa*,
H.M.C.S. *Restigouche*,
H.M.C.S. *Assiniboine* (on commissioning in the Royal Canadian Navy.)

(Sgd.) H. W. LOTHROP
Asst. Clerk of the Privy Council.

Order in Council establishing Regulations—Entry of Enemy Aliens

Canada Gazette, 7th October, 1939

P.C. 2653

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 14th day of September, 1939

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and under the authority of Section 3 of the War Measures' Act, is pleased to make the following regulation and it is hereby made and established accordingly:—

From and after the date hereof and until otherwise ordered, the entry to or landing in Canada shall be and the same is hereby prohibited, of enemy aliens and nationals of any territory now occupied by an enemy country;

Provided that this regulation shall not be held to exclude persons coming within the above-described classes who may be arrested and detained as enemy aliens under the Defence of Canada Regulations or who satisfy the Minister of Mines and Resources that they are opposed to an enemy Government.

(Sgd.) H. W. LOTHROP

Asst. Clerk of the Privy Council.

Order in Council establishing Committee of Public Information

Canada Gazette, 7th October, 1939

P.C. 2654

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 12th September, 1939.

The Committee of the Privy Council have had before them a report, dated 12th September, 1939, from the Right Honourable W. L. Mackenzie King, the Prime Minister, submitting with the concurrence of the Postmaster General, the Minister of Labour, the Minister of Pensions and National Health, the Minister of Agriculture and the Minister of Fisheries, that, by reason of the present emergency, it is desirable to provide in the public interest for the appointment of a Committee of Public Information.

The Committee, therefore, on the recommendation of the Prime Minister advise that a Committee of Public Information be established, responsible to the President of the Privy Council or to such other Minister as he may from time to time designate, the Committee to consist of three members, one of whom shall be Chairman, and who shall be empowered, under the supervision of the sub-committee of the Cabinet on Public Information, to collect, co-ordinate and make provision for the appropriate dissemination of information as to the national activities and plans, and such other information as the Governor in Council may from time to time determine, through agencies of publicity of all kinds.

The Committee further advise:

1. That the Committee of Public Information be empowered to engage on a temporary basis, subject to the approval of the Governor in Council, such officers, clerks and other persons as may be deemed necessary to the proper performance of its duties, at such remuneration as the Committee shall, with the approval of the Governor in Council, determine;

2. That all expenses, including necessary travelling expenses, lawfully incurred by the said Committee or the members of their staff, shall be payable out of the moneys provided by Parliament; and

3. That the terms of employment and the remuneration of the members of the said Committee shall be fixed by the Governor in Council.

(Sgd.) H. W. LOTHROP

Asst. Clerk of the Privy Council.

Order in Council creating Special Reserve, R.C.A.F.

P.C. 2677

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 14th day of September, 1939

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that, in order to provide for the expansion of the Royal Canadian Air Force, it is necessary that there be organized a component thereof to which in the first instance officers of the Reserve Air Force would be posted, and in which personnel on first appointment to, or enlistment in, the Royal Canadian Air Force will be carried, and from which the requisite Air Force personnel will be drawn for service in the several Air Force Units, Formations and Detachments;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to order and it is hereby ordered as follows:—

1. There shall be created forthwith a component of the Royal Canadian Air Force designated the Special Reserve Royal Canadian Air Force, the same to comprise such officers and airmen as are under due authority appointed or posted thereto.

2. The Permanent Active Air Force, the Auxiliary Active Air Force, and the Special Reserve Royal Canadian Air Force, and all officers and airmen thereof, are hereby placed on active service in Canada and also beyond Canada, for the defence thereof, as of and from the Thirteenth day of September, 1939.

3. The following Orders in Council, which authorize the calling out for service of the Units, Formations and Detachments of the Royal Canadian Air Force, and officers and airmen thereof, as set out in said Orders in Council, and place these on active service, are hereby cancelled as of and from the said Thirteenth day of September, 1939:—

P.C. 2441, dated 31st August, 1939,

P.C. 2500, dated 2nd September, 1939,

P.C. 2511, dated 3rd September, 1939.

P.C. 2532, dated 5th September, 1939.

(Sgd.) H. W. LOTHROP

Asst. Clerk of the Privy Council.

Order in Council establishing Prize Court Rules

P.C. 2682

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 14th day of September, 1939

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL—

Whereas under the provisions of an Order in Council (P.C. 2489), of the 5th of September, 1939, passed pursuant to the provisions of the War Measures Act, the Exchequer Court of Canada, on its Admiralty side, was constituted and established a Prize Court.

And Whereas the said Order in Council provided, under paragraph 6 thereof, that pending the making of rules of practice and procedure thereunder the Court of Judge shall be governed by the rules of practice and procedure in prize matters in force in the United Kingdom;

And Whereas the said Order in Council further provided, under paragraph 7 thereof, that rules of practice and procedure in prize matters may be made from time to time by the Governor in Council;

And Whereas the Minister of Justice reports that it is considered desirable that rules of practice and procedure should now be made.

Now, Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to make the annexed Prize Court Rules which are similar to those of the United Kingdom with certain minor modifications to meet local conditions, and they are hereby made and established accordingly.

(Sgd.) H. W. LOTHROP

Asst. Clerk of the Privy Council.

NOTE: "Prize Court Rules" printed by Department of Justice.

Order in Council establishing War Supply Board

Canada Gazette, 7th October, 1939

P.C. 2696

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 15th September, 1939.

The Committee of the Privy Council have had before them a report, dated 14th September, 1939, from the Minister of Finance, submitting that as this country is now engaged in war and will be called upon to make a very large expenditure of public moneys in connection therewith, it is in the public interest

that a Board be appointed composed of persons of experience in the conduct of business affairs who, under the authority of and responsible to the Minister of Finance, shall have authority to take steps to mobilize, conserve and co-ordinate the economic and industrial facilities available in respect of munitions, supplies and defence projects for the effective prosecution of the present war and to procure munitions and supplies and provide for the execution and carrying out of defence projects and to insure a proper allotment of such munitions and supplies to such agencies as may require same.

The Committee, therefore, on the recommendation of the Minister of Finance, advise that, under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, a Board, to be known as the "War Supply Board," be authorized and that the constitution, powers, duties and regulations under which the Board shall act shall be as follows:—

1. Unless the context hereof otherwise requires,
 - (a) "*Board*" means the War Supply Board;
 - (b) "*Minister*" means the Minister of Finance;
 - (c) "*Munitions of war*" means, arms, ammunition, implements of war, military, naval or air stores, or any articles deemed capable of being converted thereinto, or made useful in the production thereof;
 - (d) "*Supplies*" includes materials, goods, stores and articles or commodities of every kind including, but not restricting the generality of the foregoing: (i) articles which, in the opinion of the Board, would be essential for the needs of the Government or of the community in war; and (ii) anything which, in the opinion of the Board, is, or is likely to be, necessary for, or in connection with, the production, storage or supply of any such article as aforesaid.
 - (e) "*Defence projects*" means buildings, airdromes, airports, dockyards, roads, defence fortifications or other naval, military or air force works.
2.
 - (1) There shall be a Board to be known as the War Supply Board which shall consist of not less than two nor more than five members who shall be appointed by the Governor in Council and who shall hold office during pleasure.
 - (2) Two members of the Board shall form a quorum and the concurrence of at least two members shall be necessary for the execution of any act by the Board and the act of two of its members shall be deemed to be an act of the Board.
 - (3) The Governor in Council may from time to time fill any vacancy among the members of the Board.
 - (4) Except as otherwise directed by the Governor in Council, the members of the Board shall devote their whole time to the business of the Board.
 - (5) The Chairman and the other members of the Board shall be paid such salaries respectively as may be fixed by the Governor in Council.
 - (6) Members of the Board shall be entitled to receive and be paid their actual disbursements for living expenses necessarily incurred by them while absent from Ottawa in connection with the discharge of their duties.
 - (7) If any member is unable at any time by reason of absence, incapacity or other inability to perform the duties of his office, the Minister may appoint temporarily a substitute member upon such terms and conditions as he may determine.

- (8) The headquarters of the Board shall be at Ottawa and meetings of the Board shall be held at Ottawa or at such other place as the Chairman of the Board may decide.
- (9) Every member upon appointment to office shall take and subscribe before the Clerk of the Privy Council an oath which shall be filed in the office of the said Clerk in the following form:
I,solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as Chairman (or as member) of the War Supply Board.

So help me God.

3. The Board, with the approval of the Governor in Council on the recommendation of the Minister, may employ a secretary, and such professional, technical and other officers, clerks and employees as it may deem necessary for the proper conduct of its business and with such approval may fix their remuneration.

4. The Board, with the approval of the Minister, may make by-laws not inconsistent with the provisions hereof for the direction, conduct and government of its business.

5. It shall be the duty of the Board to examine into and organize the resources of Canada and the sources of supply and the agencies available for the supply of munitions of war and supplies and for the execution and carrying out of defence projects, and the needs present and prospective of the Government and the community in respect thereto, and to insure a proper allotment of such munitions of war and supplies to such agencies as may require same and to recommend to the Minister, and if approved by him to carry into effect, such measures as it may consider necessary with the object of insuring as far as possible that the requirements of the Government of Canada for supplies and munitions of war for the present and future shall be available in such quantity and at such times as the exigencies of the occasion may require.

- (2) In carrying out the provisions of this order the Board may make use of the services of any board, agency or association or of any department of the Government.
- (3) (1) With the approval of the Minister, the Board shall have authority—
 - (a) to procure, purchase and acquire munitions of war and supplies which may be required by the Government of Canada and to procure the execution and carrying out of defence projects for, during, or respecting the present war, and to enter into contracts therefor;
 - (b) To control or supervise and, if authorized by the Governor in Council, to procure, purchase and acquire and enter into contracts for the procuring, purchasing or acquisition of munitions of war and supplies for any of His Majesty's Governments or for the Government of any Allied or Associated Power.
- (4) In respect of all contracts to be made by the Board or to be entered into on its behalf, the following regulations shall obtain as far as practicable:—
 - (a) tenders shall be called for;
 - (b) purchases shall be made and contracts given at the lowest price offered.

These regulations may be departed from only in cases of urgency due to military considerations of the moment or for other good and sufficient reason, and in any such case the grounds of the departure shall be clearly recorded.

- (5) The Board shall assume and take over all the contracts made by or with the Defence Purchasing Board and the work of that Board as from a date to be fixed by Order in Council.

6. (1) The Board may by notice in writing require any person producing, dealing in, or having control of any munitions of war or supplies, to make periodical and other returns, at such times and containing such particulars as may be specified in the notice, as respects

- (a) the stocks of munitions of war and supplies for the time being held by him and the quantities of same which by virtue of any contract are to be delivered by or to him and the date of delivery thereof, and
- (b) the facilities available for producing such munitions of war and supplies or storing stocks thereof.

(2) The Board may by notice in writing require any person executing or carrying out defence projects, or carrying on a business which in the opinion of the Board is suitable for or can be adapted to executing or carrying out defence projects, to make periodical and other returns, at such times and containing such particulars as may be specified in the notice, as to the facilities available for carrying out such defence projects.

(3) The Board may by notice in writing require any person who has under his control accommodation suitable for the storage of any munitions of war or supplies to make periodical and other returns, at such times and containing such particulars as may be specified in the notice, as respects

- (a) The nature and extent of that accommodation;
- (b) The period for which any part of that accommodation is already required and the purpose for which it is required; and
- (c) The facilities available for making use of the accommodation.

(4) Where a government department or any person or body of persons has, by virtue of any Act or Order in Council power to obtain for any purpose information as to matters with respect to which the Board is empowered by the last three foregoing subsections to require returns to be made:

- (a) that department, person or body shall, if so required by the Board, exercise that power for the purpose of assisting the Board in obtaining any such information; and
- (b) any such information obtained by that Department, person or body, whether upon a requisition of the Board or otherwise, may notwithstanding anything in any other enactment, be furnished to the Board.

(5) If any person:

- (a) fails to make any return which he is required to make under this section; or
- (b) knowingly or recklessly makes any untrue statement in any such return;

he shall be guilty of an offence under this Order and shall be liable on summary conviction to a fine not exceeding five hundred dollars, and, if he be convicted in respect of a failure to make a return and the failure continues after the conviction, he shall be liable on summary conviction to a fine not exceeding two hundred dollars for each day on which such failure continues, not, however, exceeding a total of five thousand dollars.

7. (1) With the approval of the Governor in Council, on the recommendation of the Minister, the Board may give directions to any person who by virtue

of any contract, whether made with the Board or any government department or authority or any other person, and whether made before or after the coming into force of these regulations, is under an obligation—

(a) to deliver any munitions of war or supplies; or

(b) to carry out any defence project;

that any work in connection with such munitions of war, supplies or defence projects shall be given priority over all other work, or shall be given priority over other work to such extent and by such means as may be specified in the directions.

(2) Where the Board is satisfied that any person to whom directions have been given under the foregoing subsection has failed without a reasonable excuse to comply with those directions, the Board, subject to the approval of the Governor in Council, on the recommendation of the Minister, may give that person directions to deliver such munitions of war or supplies or to execute and carry out such defence project within such period as may be specified in the directions.

(3) Where the Board is satisfied that any person—

(a) producing, dealing in or having control of any munitions of war or supplies, or executing or carrying out defence projects; or

(b) carrying on a business which in the opinion of the Board is suitable for or can be adapted to producing or dealing in munitions of war or supplies or executing or carrying out defence projects;

having been requested by the Board or another Government Department or authority or any other person concerned to enter into a contract for the delivery of munitions of war or supplies or the carrying out of defence projects on terms which appear to the Board to be fair and reasonable, has refused or failed to enter into the contract, the Board, with the approval of the Governor in Council on the recommendation of the Minister, may give that person directions to deliver any such munitions of war or supplies or to execute or carry out any such defence projects within such period and to or for the Board or any other Government Department or authority or such person as may be specified in the directions.

(4) The period specified in any directions given as aforesaid shall be a period within which, in the opinion of the Board, it is possible for the munitions of war or supplies to be delivered or the defence projects to be executed or carried out having regard to all the circumstances of the case, and any such directions may provide that the obligation to comply therewith within that period shall be conditional on the happening or continuance of circumstances so specified.

(5) Where the Board is satisfied that any person to whom directions have been given under this section has failed without reasonable excuse to comply with the directions, the Board, with the approval of the Governor in Council on the recommendation of the Minister, may authorize any persons to carry on, until the Board otherwise directs and subject to and in accordance with the provisions hereafter contained in this Order, the whole or any part of the business of the person to whom the directions were given.

(6) Where directions are given to any person under this section, then—

(a) if the directions are given under subsection one or subsection two, the price or remuneration, if any, to be paid in addition to the price or remuneration which would have been payable if the directions had not been given; and

(b) if the directions are given under subsection three, the price or remuneration to be paid;

shall be such as may be agreed between that person and the Board, or, in default of agreement, such as may be determined to be fair and reasonable, having regard to all relevant considerations, by an arbitrator or arbitrators appointed as hereafter provided.

(7) Where the failure to fulfil any contract, whether made before or after this Order, is due to the compliance on the part of any person with any directions given by the Board under this section, proof of that fact shall be a good defence to any action or proceeding in respect of the failure.

8. (1) Where the Board is satisfied that any person—

- (a) Who carries on the business of storing goods; or
- (b) Who produces any munitions of war or supplies;

having been requested to enter into a contract by the Minister of any government department for the storage of any munitions of war or supplies so required on terms which appear to the Board to be fair and reasonable, has refused or failed to enter into the contract, the Board, with the approval of the Governor in Council, on the recommendation of the Minister, may give that person directions to store such munitions of war or supplies for such period and at such place as may be specified in the directions:

Provided that the Board shall not give directions to any person under this section unless it is satisfied—

- (i) that the person has accommodation available at the place specified in the directions for the munitions of war or supplies which he is required to store; and
- (ii) in the case of any such person as is mentioned in paragraph (b) of this subsection, that the munitions of war or supplies which he is required to store are, or could conveniently be, used for or in connection with the production of the supplies mentioned in such sub-paragraph

(2) For the purpose of the proviso to the foregoing subsection, accommodation shall be deemed to be available for the storage of any munitions of war or supplies if—

- (a) the accommodation is suitable for the storage of such munitions of war or supplies; and
- (b) the accommodation is not already required for any purpose by virtue of any contract; and
- (c) in the case of any such person as is mentioned in paragraph (b) of that subsection, the accommodation is not required for the normal business requirements of that person.

(3) A person for the time being storing munitions of war or supplies in pursuance of directions given under this section shall be under the same liability with respect to loss of or damage to same as he would be if he had agreed to store them for reward.

(4) Where the Board is satisfied that a person to whom directions have been given under this section has failed without reasonable excuse to comply with the directions, the Board, with the approval of the Governor in Council, on the recommendation of the Minister, may authorize any person to carry on, until the Board otherwise directs subject to and in accordance with the provisions hereafter contained in this Order, the whole or any part of the business of the person to whom the directions were given.

(5) Where directions are given to any person under this section for the storage of any munitions of war or supplies, the remuneration for such storage shall be such as may be agreed between that person and the Board, or, in default

of agreement, such as may be determined to be fair and reasonable, having regard to all relevant considerations, by an arbitrator or arbitrators appointed as hereafter provided.

9. (1) For the purpose of the last two foregoing sections, the Governor in Council, on the recommendation of the Minister, shall appoint a panel of arbitrators: and shall appoint one member of the panel to be chairman thereof and another to be deputy chairman thereof.

(2) No person shall be qualified to be chairman or deputy chairman of the said panel unless he is or has been a barrister, advocate or solicitor, of not less than ten years standing.

(3) Where under this Order any matter is to be determined by an arbitrator or arbitrators, it shall be referred to and determined by such member or such three members of the said panel as may be appointed for the purpose by the chairman or deputy chairman thereof.

(4) In any case where three members of the panel are appointed, the award of any two of them shall be binding.

10. (1) The Board may direct any person producing, dealing in, storing or having control of any munitions of war or supplies or executing or carrying out any defence project, to produce to any person authorized for the purpose by the Board any books or documents of any description specified in the directions and to permit the person so authorized to take copies of or extracts from any such books or documents.

(2) If the Board is satisfied that the records kept by any such person as aforesaid are insufficient to enable a fair and reasonable price to be determined, or a fair and reasonable remuneration for the storage of the article or carrying out of the defence project in question to be determined, it may direct that person to keep such records as may be specified in the directions.

(3) If any person fails to comply with any directions given by the Board under this section—

- (a) he shall be guilty of an offence under this Order and shall be liable on summary conviction to a fine not exceeding five hundred dollars, and, if the failure in respect of which he was so convicted continues after the conviction, he shall be liable on summary conviction to a fine not exceeding two hundred dollars for each day on which the failure continues; not, however, exceeding a total of five thousand dollars, and
- (b) With the approval of the Governor in Council, on the recommendation of the Minister, the Board may, without prejudice to the provisions of the last foregoing paragraph, authorize any person to carry on, until the Board otherwise directs and subject to and in accordance with the provisions hereafter contained in this Order, the whole or any part of the business of the person so failing.

11. (1) Where by virtue of the foregoing provisions of this Order any person (hereafter in this section referred to as a "controller") is authorized by the Board to carry on the whole or any part of the business of any other person (hereafter referred to as "the owner")—

- (a) the controller may, subject to any instructions of the Board, do all such things as he thinks fit for the purpose of carrying on the business or any part thereof;
- (b) the controller may direct the owner or any person employed in connection with the business or any part of the business to furnish to him any estimates, returns or other information relating thereto;

(c) in carrying on the business or any part thereof, the controller shall be deemed to be acting as the agent of the owner, except that the owner shall not have any right to control the business or such part thereof.

(2) If any person—

- (a) wilfully obstructs a controller in the exercise of any of his functions under the last foregoing subsection; or
- (b) fails to comply with any directions given by a controller under that subsection, or in purported compliance with any such directions furnishes any return, estimate or other information which he knows to be false;

he shall be guilty of an offence under this Order.

12. (1) The Board, with the approval of the Governor in Council, on the recommendation of the Minister, may by order provide that any person—

- (a) producing, dealing in, storing or having control of munitions of war or supplies, or executing or carrying out a defence project; or
- (b) carrying on a business which in the opinion of the Board, is suitable for or can be adapted to producing, dealing in or storing munitions of war or supplies or executing or carrying out a defence project;

shall not be bound, in respect of such matters as may be specified in the order, by any obligation or limitation imposed on that person by or by virtue of any other Act, order, rule, regulation, by-law, contract, agreement or other instrument affecting his functions.

(2) Any order made under this section may be varied or revoked by a subsequent order of the Board, with the approval of the Governor in Council on the recommendation of the Minister.

13. (1) Where any person carrying on an undertaking capable of being used—

- (a) to produce munitions of war or supplies required by any government department board or other public authority for the purpose of the discharge of its functions, or to carry out defence projects or works so required; or
- (b) to produce munitions of war or supplies or execute or carry out defence projects or works which are directly or indirectly required for any of the purposes mentioned in the foregoing paragraph;

and it appears to the Board that the carrying on of that undertaking would be essential in time of war, the Board, with the approval of the Governor in Council, on the recommendation of the Minister, may give to that person directions requiring him to take, within such period as may be specified in the directions, such measures as may be so specified, being measures which in the opinion of the Board are necessary to secure the due functioning of the undertaking in time of war and which that person cannot be required to take under any other enactment.

(2) Where the person carrying on an undertaking proves to the satisfaction of the Board that directions given under this section in respect of that undertaking have been complied with within the period specified therein, or such further period as the Board may allow, there shall be paid to that person by the Board, subject to the approval of the Minister, a grant equal to the appropriate proportion of the expenditure of a capital nature which appears to the Board to have been reasonably incurred in complying with the directions.

(3) If any person fails to comply with directions given to him under this section, he shall be liable on summary conviction to a fine not exceeding five hundred dollars, and, if the failure in respect of which he was so convicted

continues after the conviction, he shall be liable on summary conviction to a fine not exceeding two hundred dollars for each day on which the failure continues, not however exceeding five thousand dollars:

Provided that the court by which any person is convicted of an offence may fix a reasonable period from the date of conviction for compliance by him with the requirements of the directions, and where a court has fixed such a period the said daily penalty shall not be recoverable in respect of any day before the expiration thereof.

14. (1) No information with respect to an individual business which has been obtained under or by virtue of this Order shall be disclosed without the consent of the person carrying on that business.

Provided that nothing in this subsection shall apply to the disclosure of any information—

- (a) to a Government Department, or any person authorized by a Government Department, requiring such information for the purpose of the discharge of the functions of that Department; or
- (b) for the purposes of any prosecution for an offence under this Order or any arbitration under this Order.

(2) If any person discloses any information in contravention of this section, he shall be guilty of an offence under this Order.

15. It shall be the duty of the departments or agencies of the Government and all officers and employees thereof to afford to the Board all available information in regard to any of the matters falling within the scope of the duties and powers of the Board as set out in these Regulations and to co-operate with it in the performance of such duties and the exercise of such powers whenever required by the Board to do so, and all relevant departmental and other records, documents, and papers shall be made available to the Board.

16. Before any contract is entered into by the Board, authority for the expenditure must be given by the Governor in Council. This authority may be a general authority for making the expenditures necessary to effect any of the transactions authorized by these Regulations or it may be a specific authority approving of the procuring, purchase, or acquisition of certain supplies and munitions of war, and all Orders in Council granting such authority shall be made on the recommendation of the Minister based on the report of the Board.

17. The Board shall be furnished with such office accommodation as may be necessary by the Department of Public Works.

18. The Board shall maintain such records of its transactions as the Minister may direct.

19. The Board shall as soon as possible after the termination of each fiscal year submit to the Minister an annual report covering all transactions of the Board in such form as the Minister may prescribe.

20. (1) Any person guilty of an offence under this Order for which no penalty is otherwise expressly provided by this Order shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred dollars, or to both such imprisonment and such fine; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand dollars, or to both such imprisonment and such fine.

(2) Where any offence under this Order committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

21. The provisions of this Order shall be effective notwithstanding anything contained in the Defence Purchases, Profits Control and Financing Act, 1939, or any other statute or law.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

**Order in Council appointing Committee to plan organization—
War Supply Board**

P.C. 2697

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 15th September, 1939.

The Committee of the Privy Council have had before them a report dated 14th September, 1939, from the Minister of Finance submitting that it is in the public interest that immediate action be taken to arrange for the organization of a War Supply Board and to co-ordinate the work of that Board with other war supply agencies or departments.

The Minister therefore recommends that under and by virtue of the War Measures Act, Chapter 206 of the revised Statutes of Canada, 1927, Gordon W. Scott, Esq., of Montreal, and Watson Sellar, Esq., Comptroller of the Treasury, be appointed, without salary, joint directors for the purpose of making plans regarding the personnel accommodation and general organization of the War Supply Board and working out the preliminary organization of the War Supply Board so as to facilitate the prompt functioning of the said Board when the members thereof are selected, and having in view as well the desirability of consolidating, so far as may be found practicable, the work of the War Supply Board and that of the Defence Purchasing Board and of any other department or branch of the Government of Canada in connection with the purchase or acquisition of munitions of war and supplies; such joint directors to report to and be responsible to the Minister of Finance.

The Minister further recommends that the said joint directors shall have power, subject to the approval of the Minister of Finance, to employ such persons as may be necessary to carry out the provisions hereof; that the Department of Public Works shall supply such accommodation and equipment as the said directors may deem necessary for the purposes hereof, and that the expenses incurred by the said joint directors in carrying out the provisions hereof be paid out of the appropriation for the office of the Comptroller of the Treasury.

The Minister also recommends that the said joint directors shall report to, and be subject to the direction of, the Minister of Finance.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council establishing Economic Advisory Committee

P.C. 2698

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 14th September, 1939.

The Committee of the Privy Council have had before them a report, dated September 12, 1939, from the Prime Minister, submitting with the concurrence of the Minister of Finance, that, with a view to

- (1) facilitating the work of the Committees of the Cabinet to which have been assigned the responsibility for supervising Governmental policy in the fields of supply and of war finance;
- (2) avoiding duplication of effort by the Departments of Government and the special agencies which have been created to deal with particular problems of war economy; and
- (3) ensuring the effective co-ordination of economic and financial policy in wartime;

it is expedient to establish an Advisory Committee on Economic Policy, whose duty it shall be of its own motion or upon request of any Minister of the Crown, to investigate, report and advise upon questions of economic and financial policy and organization arising out of Canadian participation in the war, and to report to the Cabinet Committee on General Policy, on Supply or on Financial Questions as the case may be.

The Prime Minister, therefore, with the concurrence of the Minister of Finance, recommends that such an Economic Advisory Committee be set up with terms of reference as above set forth, and that the following persons shall be members of the Committee:

W. C. Clark, Deputy Minister of Finance.
G. F. Towers, Governor of the Bank of Canada.
H. D. Scully, Commissioner of Customs.
H. B. McKinnon, Chairman of the Wartime Prices and Trade Board.
G. S. H. Barton, Deputy Minister of Agriculture.
Charles Camsell, Deputy Minister of Mines and Resources.
L. D. Wilgress, Director of the Commercial Intelligence Service.
R. H. Coats, Dominion Statistician.
Lt.-Col. Henri DesRosiers, Associate Deputy Minister of National Defence.
N. A. Robertson, Department of External Affairs.
A representative of the Department of Munitions and Supply.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council authorizing Defence Purchasing Board regulations
re contracts

Canada Gazette, 7th October, 1939

P.C. 2709

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 15th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Finance reports that, owing to the outbreak of war and the great urgency of obtaining supplies and munitions of war and of executing and carrying out defence projects promptly, it is in the public interest, as a temporary measure pending the organization of the War Supply Board and the taking over by that Board of the work of the Defence Purchasing Board and until the date on which the said Board is organized and commences to function, which said date shall be declared by Order in Council, that the Defence Purchasing Board shall have wider authority than is conferred by Chapter 42 of the Statutes of Canada, 1939, the Defence Purchases, Profits Control and Financing Act, 1939.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is hereby pleased to order as follows:—

1. Notwithstanding anything contained in the said Act, the Defence Purchasing Board may make contracts for defence equipment or defence projects which involve expenditure either in excess of Five Thousand dollars or of less than that amount, and with the approval of the Minister of Finance may execute contracts on behalf of His Majesty which involve an expenditure of less than Five Thousand dollars.

2. The contracts Branch of the Department of National Defence shall, pending the organization of the War Supply Board, be subject to the direction and supervision of the Defence Purchasing Board, and from and after the date to be declared as aforesaid upon which the War Supply Board commences to function, the officers, clerks and employees of the said Contracts Branch shall be transferred to the staff of the said War Supply Board.

3. The following provisions shall apply to the Defence Purchasing Board in lieu of the provisions under sub-sections Four and Five of section Four of the said Defence Purchases, Profits Control and Financing Act, 1939, namely:

In respect of all contracts to be made by the Board or to be entered into on its behalf, the following regulations shall obtain as far as practicable:

(a) tenders shall be called for;

(b) purchases shall be made and contracts given at the lowest price offered.

These regulations may be departed from only in cases of urgency due to military considerations of the moment or for other good and sufficient reason, and in any such case the grounds of the departure shall be clearly recorded.

4. On account of the considerations referred to in the first paragraph hereof, Section 7 of the said Defence Purchases, Profits Control and Financing Act, 1939, shall not be applicable to or binding upon the Defence Purchasing Board or to any contract entered into by the Board after the date of the

coming into force of this Order until the said date, to be declared as aforesaid, upon which the War Supply Board commences to function.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Canada Gazette, 15th September, 1939

PROCLAMATION

TWEEDSMUIR
[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To all to whom these Presents shall come or whom the same may in anywise concern,
GREETING:

A PROCLAMATION

W. STUART EDWARDS,
Deputy Minister of
Justice, Canada.

Whereas in and by Section Six of an Act of the Parliament of Canada, assented to on the fifth day of July in the year of Our Lord one thousand nine hundred and thirty-five, and intituled "An Act respecting the establishment of an Exchange Fund," being Chapter Sixty of the Statutes of Canada 1935, it is provided that the said Section of the said Act shall come into force on a day to be fixed by proclamation of Our Governor in Council.

And whereas it is expedient that the said Section of the said Act should come into force and have effect upon, from and after the sixteenth day of September in the year of Our Lord one thousand nine hundred and thirty-nine.

Now know ye that We by and with the advice of Our Privy Council for Canada do by this Our Proclamation declare and direct that the said Section of the said Act shall come into force and have effect upon, from and after the sixteenth day of September in the year of Our Lord one thousand nine hundred and thirty-nine.

Of all which Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. **WITNESS:** Our Right Trusty and Well-Beloved John, Baron Tweedsmuir of Elsfield, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this fifteenth day of September, in the year of Our Lord one thousand nine hundred and thirty-nine and in the Third year of Our Reign.

By Command,

E. H. COLEMAN,
Under-Secretary of State.

Order in Council creating Foreign Exchange Control and Regulations

Canada Gazette, 15th September, 1939

P.C. 2716

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY the 15th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make the Order and Regulations attached hereto under the title of The Foreign Exchange Control Order and they are hereby made and established accordingly.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

FOREIGN EXCHANGE CONTROL ORDER AND REGULATIONS

ORDER

1. These provisions may be cited as the Foreign Exchange Control Order.
2. In this Order, unless the context otherwise requires,
 - (a) "Authorized dealer" means an authorized dealer in foreign exchange appointed by or under the authority of this Order, and when used with reference to any applicant or declarant means the authorized dealer designated in his application or declaration and being the authorized dealer or one of the authorized dealers with whom such applicant or declarant ordinarily does business;
 - (b) "Board" means the Foreign Exchange Control Board established by this Order;
 - (c) "Canadian currency" includes bank notes, postal notes, money orders, travellers' cheques, letters of credit, bank drafts and other similar instruments payable in Canadian dollars;
 - (d) "Canadian securities" means securities issued by any Canadian Government, municipal or other authority or by any society, company or corporation whose head office is in Canada, excluding any securities which are payable, or any dividends or interest on which are payable, or the principal amount of which is expressed, otherwise than exclusively in Canadian dollars.
 - (e) "Foreign currency" means any currency other than Canadian currency;
 - (f) "Foreign exchange" includes any foreign currency and any bank balance or other deposit, bill of exchange, cheque, draft, letter of credit or other similar credit instrument, order to pay or promise to pay, which is payable in any foreign currency whether absolutely or conditionally or optionally or otherwise;
 - (g) "Foreign securities" means securities issued by or on behalf of any government, municipal or other authority outside Canada or by any society, company or corporation whose head office is outside Canada, and any securities which are not payable, or any dividends or interest on which are not payable, or the principal amount of which is not expressed, exclusively in Canadian dollars.

- (h) "Minister" means the Minister of Finance.
 - (i) "Non-resident" means any person other than a resident and for the purposes of this Order a branch or agency outside Canada of any resident shall be deemed to be a non-resident and a separate entity from such resident.
 - (j) "Person" includes persons and bodies of persons, firms, corporations, associations, municipal authorities and all other entities of a kind or class known to the law in any part of Canada, including both residents and non-residents whether within Canada or outside Canada, and including His Majesty whether in right of Canada or in right of any Province or otherwise.
 - (k) "Resident" means any person ordinarily resident in Canada, but excluding any branch or agency outside Canada of any resident and the Board shall have full power to determine who is or shall be deemed to be a resident for the purposes of this Order.
 - (l) "Securities" includes stock, shares, bonds, debentures, debenture stock and other obligations and rights, whether registered or in bearer form, issued by or on behalf of any government, municipal or other authority, society, company or corporation whether within or without Canada and regardless of the place of registration (if any) of such securities or the situs of any certificates or other instruments representing the same.
3. This Order shall come into force on the sixteenth day of September, one thousand nine hundred and thirty-nine.

PART I

CONSTITUTION, MANAGEMENT AND POWERS OF THE FOREIGN EXCHANGE CONTROL BOARD

4. (1) There shall be and is hereby established a Board, under the name of the Foreign Exchange Control Board, which shall consist of five members holding office during pleasure of the Minister. The first members of the Board shall be, Graham Ford Towers, Governor of the Bank of Canada, William Clifford Clark, Deputy Minister of Finance, Hugh Day Scully, Commissioner of Customs, Department of National Revenue, Leolyn Dana Wilgress, Director of Commercial Intelligence Service, Department of Trade and Commerce, and Norman Alexander Robertson, First Secretary, Department of External Affairs. Each member may at any time and from time to time appoint an alternate to act in his place and stead. The Minister may replace any member and fill any vacancy that may arise.

(2) All letters and other mailable matter addressed to or sent by the Board and passing between any office of the Board and any place in Canada shall be free of Canada postage.

5. The Board shall have the powers, rights, privileges, duties and responsibilities in this Order expressly or by implication contained.

6. (1) There shall be a Chairman and Deputy Chairman of the Board to be selected by the members of the Board from among their number.

(2) The Board shall hold meetings at such time and place as the Chairman may decide, or as the Minister may require.

(3) The Minutes of any meeting of the Board or any certified copy thereof, or extract therefrom, signed by the Chairman or Deputy Chairman, shall be conclusive evidence of any transaction or decision therein recorded.

7. Upon the request of the Board the Minister may appoint advisors to assist the Board.

8. (1) The Bank of Canada is hereby appointed technical advisor to the Board and an authorized dealer under this Order, and by agreement with the Board is authorized to act as Agent or banker for the Board and to deal in foreign exchange and otherwise assist or act on behalf of the Board.

(2) The Board may appoint agents for such purposes as the Board may determine.

(3) Anything done on behalf of the Board by any agent or servant of the Board within the scope of his authority shall for the purpose of this Order be of the same force and effect as if done by the Board.

9. At the request of the Board the Governor in Council may transfer any member of the Civil Service of Canada or any other servant of His Majesty in right of Canada to assist or serve the Board as the Board may determine, and any person so transferred shall not thereby lose any of his rights or privileges.

10. The Board may incur and pay such salaries and expenses as it may deem necessary in the course of carrying out the provisions of this Order.

11. (1) Unless otherwise ordered by the Minister in writing, the powers conferred on the Minister in sections 6 & 7 of the Exchange Fund Act, Chapter 60 of the Statutes of Canada, 1935, may be exercised by the Board, subject, however, to any instructions which the Minister may from time to time give to the Board.

(2) Subject only to the provisions of Section 5 of the Exchange Fund Act, and unless otherwise ordered by the Minister in writing, all moneys in the special account referred to in Section 4 of the said Act, and investments of such moneys, shall be at the disposal of the Board and may be used or dealt with by the Board as the Board may deem necessary or as the Minister may direct for the purposes of the Exchange Fund Act or of this Order including the payment of any expenses or losses of the Board and the acquisition or disposition of foreign exchange, and all receipts or profits of the Board shall be placed in the said special account; all transactions affecting the said special account by or on behalf of the Board under this Order shall be and be deemed to be duly authorized under the Exchange Fund Act.

12. The provisions of The Consolidated Revenue and Audit Act, 1931, shall not apply to operations or transactions of the Board. An annual audit of the operations and transactions of the Board shall be made by the Auditor General in such manner as he thinks proper and he shall certify to the House of Commons that in his opinion, having regard to such examination, the transactions of the Board have or have not been in accordance with the provisions of this Order and that the records of the Board do or do not show truly and clearly such transactions. The annual audit to be made by the Auditor General under this section shall take the place of the annual audit specified in Section 9 of the Exchange Fund Act.

PART II

CONTROL OF FOREIGN EXCHANGE AND FOREIGN TRADE AND RELATED MATTERS

Foreign Exchange

13. No person shall purchase, borrow or otherwise acquire, or sell, lend or otherwise dispose of, deal in, or deal with any foreign exchange, whether absolutely or conditionally or by way of arbitrage or otherwise, as principal or agent or otherwise whosoever, except as may be permitted by or under the authority of this Order.

14. (1) All foreign exchange which, or any right, title or interest in or to which, is in the possession, ownership or control of any resident of Canada at the time of coming into force of this Order shall, unless the Board otherwise provides, be forthwith declared to the Board, in such manner as the Board may determine and shall not be used or dealt with except as permitted by the Board.

(2) The Board may at any time require all or any of such foreign exchange, or the right, title or interest of such resident therein, to be sold or assigned to the Board or to an authorized dealer at rates prescribed by the Board.

15. Any person who, at any time after the coming into force of this Order, acquires possession, ownership or control of any foreign exchange, or of any right, title, or interest in or to any foreign exchange, shall, unless the Board otherwise provides, forthwith declare the same to the Board in such manner as the Board may determine, and offer the same for sale or assignment to an authorized dealer at rates prescribed by the Board; provided, however, that this section shall not apply with respect to any foreign exchange purchased by such person from an authorized dealer pursuant to this Order and required for the purposes for which it was so purchased, nor with respect to any foreign exchange brought into Canada by a non-resident unless such non-resident desires to sell the same.

Transfer of Canadian Currency to Non-Residents

16. No Canadian currency or any right, title or interest therein or thereto shall be paid or transferred by any resident of Canada to any non-resident, or transferred from the account of a resident to or to the account of a non-resident, except under licence or permit granted by the Board; provided that the Board may exempt any such transfer from the provisions of this section.

Foreign Securities

17. All foreign securities which, or any right, title or interest in or to which, are in the possession, ownership or control of a resident of Canada at the time this Order comes into force, shall, unless the Board otherwise provides, be forthwith declared to the Board in such manner as the Board may determine; such foreign securities may be bought and sold within Canada, but shall not be exported or imported except as permitted by the Board.

18. (1) The Board may by regulation and by public notice require that any foreign securities described therein shall be transferred to His Majesty in right of Canada, at the price (to be paid by the Board) specified in such regulation, being a price which in the opinion of the Board is not less than the value thereof at the date of such regulation and public notice thereof.

(2) On the making of any such regulation and public notice thereof, the securities therein specified and all right, title or interest in or to such securities capable of being affected by such regulation and notice shall forthwith vest in His Majesty in right of Canada free from any charge or encumbrance, and the Board shall have all necessary powers as agent of His Majesty to sell, transfer and otherwise deal with such securities as it may think fit.

(3) Any person affected by any such regulation and notice, whether as owner, trustee, beneficiary or otherwise, and any person who is responsible for keeping any register or book in which any such securities are registered or inscribed, shall do all such things as are necessary or as the Board may direct for the purpose of ensuring that such securities shall be delivered to the Board and in the case of any registered or inscribed security registered or inscribed in the name of His Majesty in right of Canada or such person as the Board may direct.

(4) Such regulation or notice shall not apply to any securities with respect to which satisfactory evidence is presented to the Board that at all times since the date on which this Order comes into force, all the persons interested in such security, other than persons interested therein merely as trustees or merely by virtue of any mortgage, pledge or charge created before the said date, but including any persons beneficially interested therein under a trust, were not resident in Canada.

(5) The Board may exempt any securities or the holders thereof from any provision of this section.

Exports

19. (1) No person shall export any goods, currency, securities, foreign exchange or other property from Canada except under and in accordance with the terms of a licence granted by the Board; provided that this subsection shall not apply to any property which has been accepted for export by any transportation agency prior to the date on which this Order comes into force.

(2) No person shall accept payment in Canadian dollars for any property exported or to be exported by him, except under and in accordance with the terms of a permit granted by the Board authorizing the acceptance of payment in such manner; except that, unless the Board otherwise provides, this subsection shall not apply with respect to any sale for export entered into prior to the date on which this Order comes into force and calling for payment of the purchase price or other consideration in Canadian dollars.

(3) This section shall not apply in any case in which the Board grants exemption by regulation or otherwise.

20. (1) The Board may provide for different kinds of export licences and permits for use in such circumstances as the Board may determine.

(2) Unless the Board otherwise provides every application for an export licence or permit shall designate the applicant's authorized dealer.

(3) The Board may impose conditions on any export licence or permit and may revoke or amend any such licence or permit at any time.

(4) Unless the Board otherwise provides a licence or permit to export shall not authorize or be deemed to authorize any exportation, or the doing of any act by the holder thereof which would not have been lawful if this Order had not been made.

21. It shall be a condition of every licence to export whether or not expressly contained therein, that the proceeds in foreign exchange, if any, of the sale of all property exported or to be exported thereunder shall be declared and offered for sale as provided in section 15 hereof.

Imports

22. (1) No person shall import any goods, currency, securities or other property into Canada except under and in accordance with the terms of a licence granted by the Board; provided that this subsection shall not apply to any property which has been shipped to Canada from the country of export prior to the date on which this Order comes into force.

(2) No person shall make payment in Canadian dollars for any property imported or to be imported by him, except under and in accordance with the terms of a permit granted by the Board authorizing the making of payment in such manner, except that, unless the Board otherwise provides, this subsection shall not apply with respect to any purchase for import entered into prior to the date on which this Order comes into force, and calling for payment of the purchase price or other consideration in Canadian dollars.

(3) This section shall not apply in any case in which the Board grants exemption by regulation or otherwise.

23. (1) The Board may provide for different kinds of import licences and permits for use in such circumstances as the Board may determine.

(2) Unless the Board otherwise provides, every application for an import licence or permit shall designate the applicant's authorized dealer.

(3) The Board may impose conditions on any import licence or permit and may revoke or amend any such licence, or permit at any time prior to actual shipment of the relative goods or other property to Canada from the country of export.

(4) Unless the Board otherwise provides, a licence or permit to import shall not authorize or be deemed to authorize any importation or the doing of any act by the holder thereof which would have been lawful if this Order had not been made.

Rates of Exchange

24. (1) The Board shall from time to time communicate to authorized dealers rates of exchange at which foreign exchange in such currencies as the Board may designate may be purchased or sold pursuant to this Order.

(2) Wherever any authorized dealer has power to fix a rate of exchange for any transaction, the rate to be fixed shall, unless the Board otherwise provides, be such rate then prevailing as has been prescribed by the Board for the relative transaction or kind of transaction.

Applications to Buy or Sell Foreign Exchange

25. (1) Every person other than an authorized dealer desiring to buy or sell foreign exchange shall make application to an authorized dealer, who may fix the rate of exchange subject to the provisions of this Order.

(2) The fixing of a rate of exchange shall, unless the Board otherwise provides, constitute a permit to the applicant to buy from or sell to the authorized dealer as the case may be, the relative foreign exchange for the purposes stated therein.

26. The authorized dealer may submit any application to the Board, and shall submit to the Board any application the approval of which is not within his authority. The Board may approve or reject in whole or in part any application made to the Board or made to an authorized dealer and submitted by such authorized dealer to the Board. In approving an application to buy or sell foreign exchange the Board may fix the rate of exchange therefor.

27. The fixing of a rate of exchange for the sale to or purchase from an authorized dealer of any foreign exchange shall constitute an undertaking by the authorized dealer to buy and by the applicant to sell, or an undertaking by the authorized dealer to sell and by the applicant to buy, as the case may be, the amount of foreign exchange specified at the rate so fixed and at such time as may be agreed, unless an extension of time be granted by the Board.

28. (1) No authorized dealer shall have power to fix a rate of exchange for foreign exchange required by an applicant for any purpose, unless the application is in the opinion of such authorized dealer for normal requirements as hereinafter defined.

(2) Normal requirements, for the purposes of this section, shall mean with relation to any application.

- (a) Foreign exchange for payment for goods imported or to be imported into Canada within the usual scope of the applicant's business.
- (b) Foreign exchange for payment for services of a normal nature such as insurance premiums and claims, agents' commissions, salaries, freights, dues, patent rights, royalties and other payments of a like character.
- (c) Foreign exchange for reasonable travelling expenses or personal expenses.

29. Any person other than an authorized dealer desiring to purchase or sell foreign exchange in a currency for which no rate of exchange has been prescribed by the Board, may do so by arrangement with an authorized dealer upon making application as hereinbefore provided to purchase or sell such amount of foreign exchange in a currency for which a rate of exchange has been prescribed by the Board as the parties may agree to be the equivalent of the amount of foreign exchange first mentioned, subject always to the regulations and instructions of the Board; in any such case the authorized dealer shall make available to or accept from the applicant the foreign exchange first mentioned, and shall account to the Board for the said equivalent amount of foreign exchange secondly mentioned.

30. Unless the Board otherwise provides, every person desiring to obtain foreign exchange to be used for the payment of interest on any loan, or for repayment or amortization of any loan or any part thereof, or for the redemption of any securities or for the payment of dividends, or for any purpose incidental to any of the foregoing, shall apply therefor at least thirty days prior to the date on which such foreign exchange is required, and every such application shall be submitted to the Board by the authorized dealer.

Applications for Permission to Transfer Canadian Currency from a Resident to a Non-Resident

31. (1) Unless the Board otherwise provides, every resident other than an authorized dealer desiring to pay or transfer any Canadian currency to or to the account of a non-resident shall make application to an authorized dealer.

(2) Unless the Board otherwise provides, the authorized dealer shall have the same authority with respect to such an application as though it were an application to purchase foreign exchange, and shall submit to the Board any application the approval of which is not within his authority.

(3) Every such application when approved by or on behalf of the Board shall constitute a permit for the purposes stated therein.

Authorized Dealers

32. (1) Every bank incorporated under the Bank Act shall be an authorized dealer in Canada, and every Canadian branch of such a bank shall have the powers and duties of an authorized dealer pursuant to this Order.

(2) The Board may appoint other authorized dealers and may revoke any such appointment.

(3) Notwithstanding any other provisions of this Order, authorized dealers may engage in any transactions in or affecting securities, Canadian currency or foreign exchange which the Board may from time to time permit; the authority of authorized dealers shall at all times be subject to regulations and instructions of the Board, and any authority of authorized dealers under this Order may be limited, modified or expanded by the Board at any time and from time to time.

33. (1) Where any rate of exchange is fixed for any transaction in foreign exchange pursuant to this Order, the authorized dealer designated in the application, declaration or other instrument in which such rate of exchange is fixed shall, except as otherwise provided in section 29 hereof, buy or sell the relative foreign exchange from or to the person applying in that regard, and shall account to the Board for the same amount of foreign exchange at the same rate of exchange as that applicable to the transaction between the authorized dealer and the applicant.

(2) Settlements between the Board and the authorized dealer shall be made at such times and in such manner as the Board may prescribe.

(3) The Board shall pay such costs and remuneration in connection with the functions and services of authorized dealers pursuant to this Order as the Board may prescribe.

General

34. (1) The Board may make regulations, not repugnant to this Order, for any of the following purposes:—

- (a) Prescribing the forms to be used, and the circumstances of their use, for the purposes of this Order.
- (b) Prescribing the procedure to be followed by applicants, authorized dealers and other persons in connection with any matter arising under or in pursuance of this Order.
- (c) Generally, with respect to any matter arising in the course of, or connected with, or ancillary to, the Board's operations, or making such other provision as may be deemed necessary for the efficient administration of this Order and for carrying out its provisions according to their true intent and meaning and for the better attainment of its objects and may amend or repeal any such regulation.

(2) The regulations annexed to this Order shall be the first regulations of the Board, effective on the date this Order comes into force. Any subsequent regulation, amendment or repeal shall come into force upon publication in the Canada Gazette.

(3) Regulations made by or under the authority of this Order shall have the same force and effect as if the same were expressly set forth herein.

(4) Unless the context otherwise requires, expressions used in any regulation of the Board shall have the same meaning as similar expressions in this Order.

35. General or specific instructions issued by the Board to any person acting as agent of or otherwise under the authority of the Board shall with respect to such person, have the same force and effect as if contained in regulations made and published as provided in the preceding section.

36. Every Collector of Customs and Excise and every Postmaster shall if so required by the Board act as agent for the Board with relation to the issuing of export and import licences, and shall have such authority in that behalf as the Board may prescribe by regulation.

37. (1) If any authorized dealer or other person fails or neglects or refuses to approve an application under this Order, the approval of which was within his authority, the application may be submitted by the applicant direct to the Board, and the Board may deal with such application in such manner as it may deem proper under the provisions of this Order.

(2) If any person is dissatisfied with any ruling, regulation or decision of the Board he may, if the Board so permits, appeal in writing to the Minister, who shall have power to decide the question at issue with or without further hearing

the appellant, and may if he sees fit exempt the appellant wholly or partly from any regulation of the Board.

38. (1) All transactions in foreign exchange permitted hereunder by any person with an authorized dealer, shall be and be deemed to be entered into with the authorized dealer and not with the Board, and the Board shall not incur any obligation to any such person.

(2) The foregoing subsection shall prevail notwithstanding that an authorized dealer in approving any application or fixing any rate of exchange is described as acting on behalf of the Board, or is acting under any instructions or regulations of the Board, and notwithstanding any approval of an application of any kind by the Board itself under section 26 hereof or otherwise.

PART III

ENFORCEMENT PROVISIONS

39. (1) Every person shall be guilty of an offence who,

- (a) in any application or declaration under this Order makes any statement which to his knowledge is false or misleading or which he had not reasonable grounds for believing to be true, or,
- (b) deceives or misleads or attempts to deceive or mislead the Board or an authorized dealer or a Collector of Customs and Excise or any other person concerned in the administration of the provisions of this Order; or,
- (c) being the holder of a licence or permit commits or attempts to commit a breach of any of the general or special conditions of such licence or permit or fails to comply with any of such conditions; or,
- (d) violates or attempts to violate any other provision of this Order or any regulation of the Board; or,
- (e) aids or abets the commission of any offence under the provisions of this Order.

(2) It shall be an offence for any transportation agency or employee thereof to transport or assist in transporting from Canada any property unless no licence is required for the export of the same or the requisite licence has been obtained, or to remove any imported goods or other property from any Customs port for delivery within Canada unless no licence is required for the import of the same or the requisite licence has been obtained.

40. (1) Every person guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding Two Thousand Dollars or to imprisonment for not more than one year, or to both fine and imprisonment.

(2) In addition to any other penalty, if any person, contrary to the provisions of this Order, exports or attempts to export from Canada any goods or other property, or imports or attempts to import into Canada any goods or other property, or buys or sells or otherwise deals with or attempts to buy or sell or otherwise deal with any foreign exchange or foreign securities, or fails to declare any foreign exchange or foreign securities, such goods or other property may be seized and detained and shall be liable to forfeiture, at the instance of the Minister of Justice, upon proceedings in the Exchequer Court of Canada or in any superior court.

41. No Collector of Customs and Excise shall permit the export or import of any goods or other property through any port over which he has authority, unless he or an officer acting for him is satisfied that no licence is required for such export or import, or that the appropriate licence has been obtained.

42. If the requisite import licence be not obtained and produced to the Collector of Customs and Excise within thirty days after the arrival in Canada of any property for the importation of which a licence is required, and which has been held at a Customs port pending the production of such licence, the Collector of Customs and Excise may cause such property to be destroyed, or to be sold by public auction to the highest bidder and the proceeds thereof, in case of sale, shall be applied to the payment of duties and charges, and the surplus, if any, after discharging the vessel's lien or other charges for transportation shall be deposited to the credit of the Receiver General of Canada.

43. Any person who on any occasion is about to leave Canada (which person is hereafter in this section referred to as "the traveller" shall, if required by any Customs officer or other person thereunto authorized, declare whether he has with him any goods, currency, securities, foreign exchange or other property, and shall produce any such property which he has with him; and the officer or other authorized person, and any person acting under his directions, may search the traveller and examine or search any article which the traveller has with him, and shall seize any such property which the traveller has with him, unless the export of the same is permitted by or under the authority of this Order.

44. (1) The Board and each member of the Board may require any person to furnish such information as the Board or such member of the Board may deem necessary, and shall have power to summon any person to give information under oath or otherwise, and to produce books and documents, at such time and place and in such manner as the Board or member of the Board may require.

(2) Every member of the Board shall have power to administer oaths and receive affidavits and statutory declarations.

45. The Board may appoint Inspectors to assist in the enforcement of the provisions of this Order, who shall have the power to obtain from any person such information under oath or otherwise, and whether orally or in writing or by inspection of documents or other evidence, as the Board may deem necessary.

46. At the request of the Board or any Inspector appointed by the Board or of any duly authorized representative of the Board, officers and employees of the Post Office, the Department of National Revenue, the Department of Mines and Resources, the Royal Canadian Mounted Police and the Department of Justice shall take such action by way of detention or search of persons or property, or disclosure of information in their possession, as the Board, its Inspector or authorized representative may deem necessary for preventing violations of the provisions of this Order or ascertaining whether any violation has taken place, or is likely to take place, or for ensuring the arrest and conviction of any person who may have violated or be violating any provision of this Order, or for obtaining evidence of or relating to any past, present or future violation or suspected or attempted violation; and all such officers and employees shall have full authority to take any such action upon such request.

47. In case of any conflict between this Order and any law in force in any part of Canada, the provisions of this Order shall prevail.

REGULATIONS OF THE FOREIGN EXCHANGE CONTROL BOARD

1. The following exemptions are hereby made from the respective provisions of the Order:—

- (a) No export licence or import licence will be required for the export or import of goods which are entitled to entry under items 706 and 707 of the Customs Tariff, or for the export or import of travellers' samples.

- (b) No import licence will be required for the importation of goods in any manner to a value not exceeding One Hundred Dollars by any person in any calendar month.
- (c) No export licence will be required in the case of goods taken out of Canada by and with a non-resident to a value not exceeding One Hundred Dollars; provided that this exemption shall not apply to any person more than once in any calendar month.
- (d) Personal effects belonging to and required for the use of any person entering or leaving Canada may be brought into or taken out of Canada by and with such person without licence.
- (e) No export licence will be required in the case of gifts to a value not exceeding Twenty-five Dollars sent from Canada by mail or parcel post by any person in any calendar month.
- (f) Foreign exchange or foreign securities having a value not exceeding in either case the equivalent in Canadian currency of One Thousand Dollars and being in the possession, ownership or control of any resident of Canada at the time of the coming into force of the Order need not be declared under section 14 or section 17 of the Order, unless in the case of foreign exchange such resident desires to sell the same, but such foreign exchange or foreign securities may not be used or dealt with otherwise than as permitted under the Order or Regulations.
- (g) Any person may bring with him on entering Canada or take with him on leaving Canada, for any purpose, Canadian currency and foreign exchange amounting in all to not more than One Hundred Dollars or the equivalent thereof, without licence or permit, provided that this exemption shall not apply to any person more than once in any calendar month.
- (h) In addition to any exemption that may be available under paragraph (g), any non-resident leaving Canada may, without licence or permit, take with him Canadian currency or foreign exchange not exceeding in either case the amount of Canadian currency or foreign exchange, respectively, brought into Canada by him when entering Canada; and if a licence to import the same, in Form P, was obtained at the time of entry, such licence shall be conclusive evidence of the amount so brought in.
- (i) Any person may purchase from an authorized dealer at the appropriate rate prescribed by the Board, foreign exchange to a value not exceeding One Hundred Dollars in any calendar month, without any permit and without using any form herein prescribed; provided that the foregoing provisions of this paragraph shall apply only with respect to foreign exchange in the form of cash, cheques, postal notes, money orders and other items of a similar nature payable at sight or on demand; and similarly any resident may pay or transfer Canadian currency to or to the account of non-resident to an aggregate amount not exceeding One Hundred Dollars in any calendar month without a permit and without using any form herein prescribed.
- (j) Any person may sell to an authorized dealer at the appropriate rate prescribed by the Board, foreign exchange not arising out of the proceeds of exports, to a value not exceeding Five Hundred Dollars, without any permit and without using any form herein prescribed; provided that this paragraph shall apply only with respect to foreign exchange in the form of cash, cheques, bond coupons and dividend warrants, postal notes, money orders and other items of a similar nature payable at sight or on demand.

- (k) Unless a Collector of Customs and Excise otherwise requires, a vessel or vehicle may operate internationally without obtaining an import or export licence when entering or leaving Canada; but an import or export licence, as the case may require, will always be necessary in respect of the last importation into or exportation from Canada of any such vessel or vehicle which changes its ownership or ceases to operate internationally.
 - (l) A resident of Canada may pay or transfer in Canadian currency to a resident of Newfoundland (whether in Canada or Newfoundland) without a permit in Form G; and a resident of Canada may, without obtaining a permit in Form D, export to Newfoundland property for which no payment in foreign exchange is to be received, and may accept payment in Canadian dollars for such export.
 - (m) Any resident who is a merchant, hotelkeeper or otherwise customarily engaged in any business serving tourists may accept from any tourist an amount of foreign currency not in excess of the equivalent of five hundred Canadian dollars in payment for purchases or services rendered or to be changed into Canadian currency at a rate to be authorized by the Board, provided that the foreign currency so obtained shall be sold to an authorized dealer within ten days of the date it is acquired. No person shall have in his possession more than the equivalent of one thousand Canadian dollars in foreign currency obtained in this way unless he holds a special permit from the Board authorizing him to do so.
2. (a) Every Collector of Customs and Excise shall act as agent of and on behalf of the Board in connection with the issuing of licences to export and import and accepting declarations of exports.
 - (b) A Collector of Customs and Excise may, on behalf of the Board, licence the exportation or importation of goods through the port over which he has authority, subject to the instructions of the Board.
 - (c) The Collector of Customs and Excise having authority over the port through which any exportation is made under authority of a General Licence shall receive the declaration of exports required under the Regulations.
3. Any applicant may authorize an agent or attorney to sign applications under the Order and Regulations on his behalf, and where a power of attorney has been or is hereafter lodged with a Collector of Customs and Excise by any person authorizing a customs broker named therein to act as the agent or attorney of such person in connection with matters which include the exportation or importation of goods, such power of attorney shall be deemed to include authority to the customs broker therein named to act as agent and attorney of the said person in making application for exports and import licences and related matters and to give any undertakings required in connection therewith, unless the said person gives written notice to the contrary to the Collector of Customs and Excise.
4. (a) Every application for a licence or a permit, and every declaration of foreign exchange or securities or of exports, shall be made in the appropriate form referred to below, which may be obtained as indicated in section 5 of these Regulations.
 - (b) In any case where no appropriate application form has been prescribed, the applicant may apply in writing to the Board, giving full particulars.
 - (c) Instructions printed on the forms shall have the same force and effect as if expressly set forth in the Regulations.

- (d) An application which has been duly approved and signed by or on behalf of the Board shall constitute a licence or a permit for the purposes stated therein, subject to any conditions or limitations contained therein, and subject always to the provisions of the Order and of Regulations of the Board.
- (e) When a rate of exchange has been fixed in connection with any proposed transaction in foreign exchange, the form upon which such rate is noted, when signed by the person authorized to fix the rate, shall constitute a permit to the applicant to proceed with and complete the relative foreign exchange transaction subject as aforesaid.

5. (a) The forms and their uses are as follows:—

Form A: Application for General Licence to Export Goods.

This must be submitted direct to the Board and will be issued only to exporters making regular shipments whose business is of such a nature that it would be difficult to complete the details required by a Particular Licence before the goods are ready for export. The licence relates only to export of goods.

In respect of each exportation under authority of a General Licence, a Declaration on Form B must be made by the exporter and submitted to the Collector of Customs and Excise not later than six days after the date of the Customs clearance of the vessel, if the exportation was by water or by air, or of the Customs report outwards of the vehicle if the exportation was by land. If no foreign exchange is to be obtained by the exporter for the exportation, Form D must be completed and approved *in advance* of the exportation, as referred to below.

Form B: Application for Particular Licence to Export Goods, or Declaration of Goods exported under authority of General Licence. The Particular Licence may, subject to instructions of the Board, be issued by a Collector of Customs and Excise for the exportation of goods. The same form may also be used for the purposes of the Declaration required where goods are exported under the authority of a General Licence.

Form C: Declaration of Foreign Exchange Offered for sale. This form is to be used when any person declares and offers foreign exchange for sale.

Form D: Application for Permit to Export Goods in connection with which no Foreign Exchange is to become available. This form must be used and approval obtained (whether or not the exporter is the holder of a General Licence) *in advance* of the exportation of any goods for which payment in foreign exchange has not been and will not be received. If approval is so obtained, the exporter may proceed to obtain the requisite Particular Licence to export or make the requisite Declaration of Exports under authority of a General Licence, as the case may be.

Form E: Application for Licence to Import. This form is to be used for every importation by a resident unless exempted by the terms of the Order or these regulations; and for every importation by a non-resident, unless so exempted, except in the case of a non-resident bringing with him into Canada Canadian currency and/or foreign exchange, in which case Form P shall be used with respect to such Canadian currency and/or foreign exchange.

A Licence in Form E may, subject to instructions of the Board, be issued by a Collector of Customs and Excise.

Form F: Application for Foreign Exchange. This form is to be used by every person requiring foreign exchange for any purpose other than for travel purposes.

Form G: Application to Transfer Canadian dollars to Account of Non-resident. This form is to be used and approval obtained *in advance* by every

resident of Canada desiring to pay or transfer Canadian dollars to or to the account of a non-resident, whether in payment for imports or for any other purpose.

Form H: Application for Foreign Exchange for Travel Purposes and/or for Permission to Export Foreign Exchange and/or Canadian Currency for Travel Purposes. This form must be used and approval obtained (except for amounts exempted under the Regulations of the Board) by every person desiring to obtain foreign exchange for purposes of travel and/or to take Canadian currency or foreign exchange out of Canada for travel purposes. One copy will be returned to the applicant and must be shown on demand to any Collector of Customs and Excise or other authorized person.

Form K: Application for Licence to Export Property other than Goods. This form must be used in respect of each export from Canada of property other than goods (e.g. currency, securities, etc.) unless exempted under the Order or Regulations or provided for by Form H.

Form M: Declaration of Foreign Exchange and Foreign Securities in the Possession, ownership or Control of Resident of Canada on the date of coming into force of the Order.

Form P: Declaration by Non-resident of Canadian Currency and/or Foreign Exchange Brought into Canada and Licence to Import the Same. This form shall be used by every non-resident bringing with him into Canada any Canadian currency and/or foreign exchange, unless exempted under the Regulations, and will serve as a licence to import the same. The form must be surrendered on leaving Canada when claiming exemption from export licence requirements in respect of any Canadian currency and/or foreign exchange being taken out of Canada.

(b) The forms referred to herein may be obtained from the Board in Ottawa or from the following sources:

Form P—from Collectors of Customs and Excise;

Forms A, B, and E—from Collectors of Customs and Excise, and authorized dealers;

Forms C, D, F, G, H, K and M—from authorized dealers.

6. (a) In addition to any other authority or function prescribed by the Order or Regulations or by Instructions of the Board, every authorized dealer shall act as agent of the Board for the purpose of issuing licences and permits in the following cases:—

- (i) Licence to export property other than goods;
- (ii) Permit to export goods in connection with which no foreign exchange is to become available;
- (iii) Permit to pay or transfer Canadian currency from a resident to a non-resident;
- (iv) Permit to export foreign exchange and/or Canadian currency for travel purposes.

(b) Authorized dealers shall have such authority with respect to licences and permits referred to in paragraph (a) hereof as may be prescribed in instructions of the Board.

7. (a) Every postmaster and postal clerk shall act as agent of the Board in accordance with instructions of the Board relating to the control of exports by mail and parcel post.

(b) The Postmaster General and all postmasters are hereby appointed agents of the Board to sell foreign exchange in accordance with instructions of the Board, in the form of postal money orders payable in any foreign currency for which the Board may from time to time prescribe rates of exchange.

REGULATIONS OF THE FOREIGN EXCHANGE CONTROL BOARD

Certified Extract from the minutes of a meeting of the Foreign Exchange Control Board held at Ottawa, the 17th day of September, 1939.

On motion duly made and seconded, the following Regulations numbered 8 to 13, inclusive, were passed and enacted:

8. (a) Any resident who had any foreign securities in his possession, ownership or control on September 15, 1939, which foreign securities or the certificates or instruments representing the same were physically located in a country outside Canada at that date, may (without prejudice to his obligation to declare the said foreign securities to the Board on Form M), sell any or all of such securities and reinvest the proceeds of any such sale in other or similar foreign securities, provided that only negotiable securities shall be so purchased and that every such sale and re-investment shall be made in the said country, and such resident may, in the course of such trading, hold balances in the said country temporarily uninvested, without licence or permit and without further declaration to the Board until such time as the Board may require such declaration to be made or licence or permit obtained.

(b) Any resident who had any foreign securities in his possession, ownership or control on September 15, 1939, which foreign securities or the certificates or instruments representing the same were physically located in Canada at that date, may, after having duly declared the said foreign securities to the Board on Form M, and after obtaining from the Board a licence to export to a specified country any or all of the said foreign securities for the purposes herein described, sell in the said specified country any or all of such securities and reinvest the proceeds thereof and hold balances in such country temporarily uninvested in the same manner and subject to the same conditions provided in the preceding paragraph.

(c) Any resident may apply to the Board for a permit to use for the purpose of investing or trading in foreign securities in a specified country as above described, any foreign exchange which was in the possession, ownership or control of such resident on September 15, 1939, provided that such foreign exchange has been previously declared to the Board.

9. In any case where securities physically located in Canada are required to be transferred on a book or register outside Canada, any authorized dealer may on behalf of the transferee of such securities export the same for the purpose of having such transfer effected, upon condition that such securities are to be returned by the transfer agent or registrar outside Canada to the said authorized dealer for delivery to the transferee in Canada; the authorized dealer may issue to himself the relative licence to export such securities.

10. (a) An authorized dealer may, upon request and without the issue of any permit, make payment abroad of any foreign-currency deposit recorded on his books in Canada on September 15, 1939, for account of a non-resident.

(b) An authorized dealer may issue a permit for the sale of foreign exchange to a non-resident having on September 15, 1939, a Canadian-currency deposit with any bank, savings bank, insurance company, trust or loan company, or other similar depository, up to a total not exceeding the equivalent of Five Thousand Dollars, provided that the payment for such foreign exchange is made by means of a cheque drawn on such deposit account for a sum not exceeding the credit balance on September 15, 1939; and to facilitate any such transaction the said depository may sign the relative application for such foreign exchange on behalf of the non-resident depositor.

11. No permit shall be required for the payment in Canadian dollars to a non-resident of any interest or dividend on Canadian securities held by a non-resident whether acquired by such non-resident before or after the coming into force of the Foreign Exchange Control Order, and any authorized dealer may, without the issue of any permit, sell foreign exchange to such non-resident to the extent of the Canadian dollars so payable, provided that, for the purpose of such sale of foreign exchange, the authorized dealer is satisfied, by inspection of the relative interest or dividend cheque, or by proof of ownership submitted by or on behalf of such non-resident that the securities in question were owned by the non-resident.

12. Any Canadian-currency payment made by any bank, savings bank, insurance company, trust or loan company, or other similar depository, to or to the order of a non-resident, and being a payment debited to a Canadian-currency deposit account with such depository by such non-resident, shall not require any permit.

13. Any company incorporated in Canada, which is a Non-Resident Owned Investment Corporation within the meaning of the Income War Tax Act, shall be and be deemed to be a non-resident for the purpose of the Foreign Exchange Control Order.

Certified to be a true copy and in accordance with the Minutes of the Board.

G. F. TOWERS,
Chairman.

Order in Council appointing Wool Administrator

Canada Gazette, 23rd September, 1939

P.C. 2734

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 18th September, 1939.

The Committee of the Privy Council have had before them a report, dated 18th September, 1939, from the Minister of Labour submitting that he has received representations from the Wartime Prices and Trade Board to the effect;

1. That the United Kingdom Government has acquired practically complete control of the wool resources of the Empire, and has vested the administration of wool supply in a Wool Controller;

2. That the United Kingdom Wool Controller has been given wide powers respecting the purchase of wool and its products, the allocation of supplies for military and civilian use within the United Kingdom, the granting or withholding of licences for the export of wool and its products to other countries including Canada, the fixing of prices for all grades and kinds of wool, tops, yarns and other wool products, and in general the control of the wool textile industry in the United Kingdom;

3. That, through the purchase of the Australasian wool clips and the control of exports of combed wool and yarn from the United Kingdom, the Wool Controller now controls practically the whole supply of raw material from which the wool requirements of the Canadian people, both civil and military, are chiefly met; and

4. That, in view of this situation, and the consequent necessity of co-operation with the United Kingdom authorities in regard to the allocation and utilization of available wool supplies, the Wartime Prices and Trade Board deems it advisable to appoint a Wool Administrator in Canada, to make whatever arrangements may be necessary to ensure continuity of supply, allocation of material in order of priority, and the best possible utilization of stocks in the public interest.

The Minister, therefore, on the advice of the Wartime Prices and Trade Board, recommends:

1. That appointment by the Wartime Prices and Trade Board of David C. Dick, Esquire, of Cobourg, Ontario, as Wool Administrator be approved; and that he be responsible, in co-operation with the industries concerned and under the direction of the Board, for the conduct of negotiations with the United Kingdom Wool Controller, for the organization of any necessary arrangement for the securing of supplies of wool, both domestic and imported, required by Canadian manufacturers, for the supervision of the purchase, shipment, delivery, and allocation of such supplies, for the investigation of applications for licences to export wool or its products, for the determination of prices for wool, tops, rags, waste or yarns, export licences for which may have been withheld, and for such other duties as may be assigned to him by the Board.

2. That the recommendation of the Wartime Prices and Trade Board that the said David C. Dick shall receive a salary of one dollar per annum, and his actual travelling expenses and a living allowance of twenty dollars per diem while absent from his place of residence in connection with the duties aforesaid, be approved.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council restricting export of certain kinds of wool

Canada Gazette, 23rd September, 1939

P.C. 2735

AT THE GOVERNMENT HOUSE AT OTTAWA

Monday, the 18th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Labour has received representations from the War-time Prices and Trade Board to the effect:

1. That there exists in Canada a shortage of cross-bred wools suitable for the production of military clothing now under order by the Department of National Defence;

2. That the obtaining of additional supplies for use in Canada is subject to delay and restriction;

3. That, as a war measure, the British Government has purchased the entire Australian clip, and it cannot be ascertained as yet how much, if any, the British Wool Controller may release for use in Canada;

4. That the new clip from New Zealand, ordinarily the chief source of supply of raw wool imported into Canada, will not be ready for shipment before the end of the year, and it is anticipated that this also will be purchased in its entirety by the British Government;

5. That exports of wool and tops from the United Kingdom are allowed only under licence, and no licences have been granted for the export of cross-bred wool;

6. That an abnormal speculative demand has developed in the United States for all kinds of wool, including rags and waste, especially for those kinds likely to be most in demand for military purposes in Canada, and that there has been a rapid increase in prices; and

7. That, in these circumstances, the export from Canada of certain grades of raw wool, tops, rags, and waste will endanger the supply necessary to meet the immediate needs of the Department of National Defence;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and in accordance with the advice of the Wartime Prices and Trade Board, is pleased to order, and it is hereby ordered that, until further notice, licences for the export from Canada of wool, tops, rags, waste and yarn shall be withheld unless approved by the Wartime Prices and Trade Board on the recommendation of the Wool Administrator.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council restricting exportation of certain articles

Canada Gazette, 23rd September, 1939

P.C. 2785

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 20th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State for External Affairs, with the concurrence of the Minister of National Revenue, represents:

(1) that it is considered desirable that steps should be taken to provide for control of the exportation from Canada of certain articles deemed capable of being converted into or made useful in the production of arms, ammunition,

implements or munitions of war, or military naval or air stores, in order to safeguard domestic and military requirements of such articles and to carry out more effectually the Regulations respecting Trading with the Enemy, 1939;

(2) that under section 290 of the Customs Act, as enacted by Section 10 of Chapter 24 of the Statutes of 1937, it is provided that the Governor in Council may from time to time,—

- (a) for the purpose of acquiring information, or for the purposes of sub-paragraph (b) of this subsection, require that no person shall export or carry coastwise or by inland navigation any of the articles designated in the said sub-paragraph (b), without first having obtained a permit, and prescribe such fees, regulations and conditions as may be deemed proper respecting the granting of such permits;
- (b) prohibit, restrict or control the exportation, generally or to any destination, directly or indirectly, or the carrying coastwise or by inland navigation, of arms, ammunition, implements or munitions of war, military, naval or air stores, or any articles deemed capable of being converted thereinto or made useful in the production thereof;
- (f) make regulations or prescribe conditions or exceptions deemed necessary for the effective carrying out of the object and intention of this section of any prohibition, restriction or control of exportations or importations which may be imposed under this section, including regulations, conditions or exceptions respecting re-exportations, transshipments or shipments in transit, whether within Canada or elsewhere. Such regulation shall, when made, have the force and effect of law as though enacted as a part of this statute, and shall be published in the *Canada Gazette*.

(3) that the Advisory Committee on Economic Policy have examined the export position in respect of the commodities enumerated hereunder and believe that, with a view to conserving domestic and military requirements of these articles and to preventing their reaching enemy destinations, it is desirable that their export should be made subject to the conditions now governing the export of arms and ammunition.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, with the concurrence of the Minister of National Revenue, is pleased to order and it is hereby ordered as follows:—

1. No person shall export any of the articles enumerated and described hereunder without first having obtained a permit issued by, or on behalf of, the Minister of National Revenue, namely:

Asbestos, including asbestos sand and waste.

Bauxite, alumina and aluminum.

Cadmium.

Cobalt, in ore, refined, salts and stellite.

Copper, in ore, concentrates and refined.

Ferromanganese.

Ferrosilicon.

Lead, in ore, concentrates and refined.

Nickel, in ore, matte and refined.

Nickel oxide.

Zinc, in ore, concentrates and refined.

Serap metals of all kinds.

2. Applicants for permits shall furnish in respect of each proposed shipment for export information in writing in the manner and form approved by the Minister of National Revenue, setting forth details as to the seller, purchaser, consignor, consignee, description, quantity, value and specific purpose of the proposed shipment or of the articles proposed to be exported, port to which goods would be consigned and vessel by which they would be carried.

3. Export permits issued hereunder shall not be transferable and shall be subject to revocation at any time without notice.

4. This Order shall come into force on the 20th day of September, 1939.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Canada Gazette, 22nd September, 1939

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

To All to Whom these Presents shall come or whom the same may in anywise concern, Greeting:

Whereas Regulation 26 of the Defence of Canada Regulations provides that the Minister of Justice may designate certain persons to be "Tribunals," within the meaning of the said Regulation, to hear the appeals of such enemy aliens, interned under the provisions of the pertinent sections of the said Regulations, as may be filed with the Tribunal within the time prescribed in said Regulation 26.

Know you that in pursuance of the power granted as aforesaid, the undersigned, the Minister of Justice, is pleased to designate the following persons "a Tribunal" within the meaning of the said Regulation:

In the Province of Quebec: Any Judge of the Superior Court in and for the Province of Quebec.

In all other Provinces: Any Judge of the County or District Courts for the said Provinces.

And I do hereby direct that this Notice be published in the *Canada Gazette*.

Dated at the Department of Justice, at the City of Ottawa, this twenty-second day of September in the year of Our Lord, one thousand nine hundred and thirty-nine.

ERNEST LAPOINTE,
Minister of Justice.

Order in Council regulating Sales Tax, Gas and Electricity

P.C. 2845

AT THE GOVERNMENT HOUSE AT OTTAWA

Monday, the 25th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Revenue reports that since the amendment to The Special War Revenue Act, assented to on the thirteenth of September, 1939, whereby electricity and gas when used in dwellings were removed from the miscellaneous class of goods exempted from consumption or sales tax, certain difficulties have arisen in connection with the application of the said consumption or sales tax to the said articles of consumption.

And whereas the Minister reports further that in order to provide for the efficient administration of The Special War Revenue Act in its application to the said articles, namely, electricity and gas, it is deemed necessary and advisable for the security and welfare of Canada, that Regulations as hereunder be made,—

Now, therefore His Excellency the Governor General in Council, in the exercise of the powers conferred upon the Governor in Council by section three of the War Measures Act, being Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make the following regulations and they are hereby made and established accordingly:—

REGULATIONS

1. In these regulations, unless the context otherwise requires,—

- (a) "Gas" means natural gas or gas manufactured from coal, calcium carbide or oil;
- (b) "Sale price" as defined by The Special War Revenue Act shall be deemed to include rentals of meters, service charges, minimum monthly charges and any other charges made by a selling utility on account of the distribution of electricity or gas;
- (c) "Selling utility" means any and every person, firm, corporation, municipal or governmental body, department or authority selling or distributing to the consumer or user thereof, electricity or gas; to be used for illuminating, heating, cooking or other domestic purposes in dwellings.

2. Electricity or gas shall be deemed to be goods subject to the consumption or sales tax imposed by Part XIII of The Special War Revenue Act and the said tax shall be payable by the selling utility by which the same is sold or distributed to the consumer or user and the selling utility shall for all purposes be deemed to be the manufacturer or producer thereof.

3. It shall be lawful for the selling utility to add to its regular charge to the consumer or user and to collect from such consumer or user the amount of consumption or sales tax imposed by the provisions of The Special War Revenue Act in respect of electricity and gas and the amount so added and collected for consumption or sales tax shall not be deemed to be an increase in the rate charged for electricity or gas and such addition and collection may be made by the

selling utility notwithstanding the provisions of any statute of Canada or of any province thereof or any regulation or order made pursuant thereto relating or purporting to relate to the rates to be charged by such selling utility.

4. For the purposes of these regulations and of The Special War Revenue Act, electricity or gas sold or distributed during any period commencing before and ending after the eleventh day of September, 1939, and charged for in respect of such period, shall be deemed to have been sold or distributed in equal daily amounts during the said period.

5. The exemption of fuel provided for in Schedule III of The Special War Revenue Act shall not include electricity or gas used for illuminating, heating, cooking or other domestic purposes in dwellings.

6. These regulations shall be deemed to have come into force on the twelfth day of September, one thousand nine hundred and thirty-nine.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council appointing Sugar Administrator

Canada Gazette, 7th October, 1939

P.C. 2851

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 3rd October, 1939.

The Committee of the Privy Council have had before them a report, dated 3rd October, 1939, from the Minister of Labour, submitting that he has received representations from the Wartime Prices and Trade Board to the effect:

(1) That the United Kingdom Government has acquired practically complete control of the supplies of raw sugar within the Empire and has vested the administration of sugar supplies in a Sugar Controller;

(2) That, through the purchase of the entire sugar crops of Australia, South Africa, Mauritius, Fiji and the British West Indies, the United Kingdom Sugar Controller now controls practically the whole supply of raw sugar from which the requirements of the Canadian people are chiefly met; and

(3) That, in view of this situation and the consequent necessity of co-operation with the United Kingdom authorities in regard to the supply and allocation of raw sugar, the Wartime Prices and Trade Board deems it advisable to appoint a Sugar Administrator in Canada to make whatever arrangements may be necessary to ensure continuity of supply and equitable allocation.

The Minister, therefore, on the advice of the Wartime Prices and Trade Board, recommends:

(1) That the appointment by the Wartime Prices and Trade Board of S. R. Noble, Esq., of Montreal, as Sugar Administrator be approved; and that he be responsible, in co-operation with the industries concerned and under the direction of the Board, for the conduct of negotiations with the United

Kingdom Sugar Controller, for arranging for supplies of sugar to be imported into Canada, for the supervision of the purchase, shipment, delivery and where necessary the diversion and allocation of sugar, and for such other duties as may be assigned to him by the Board.

(2) That the recommendation of the Wartime Prices and Trade Board that the said S. R. Noble shall receive a salary of one dollar per annum and his actual transportation expenses and a living allowance of twenty dollars per diem while absent from his place of residence in connection with the duties aforesaid, be approved.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd). H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council amending Foreign Exchange Control

Canada Gazette, 30th September, 1939

P.C. 2852

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 25th day of September, 1939.

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under and by virtue of the Provisions of the War Measures Act is pleased to order as follows:—

1. Section 17 of the Foreign Exchange Control Order made by Order in Council P.C. 2716 dated September 15, 1939, is hereby amended by adding thereto the following subsection:—

“(2) Notwithstanding any other provisions of this Order, no foreign securities may be sold or transferred by a resident to a non-resident otherwise than for payment in foreign exchange or unless the Board otherwise provides.”

2. This amendment to Section 17 of the said Foreign Exchange Control Order shall come into force on the twenty-sixth day of September, 1939.

(Sgd). H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council authorizing Agreement for purchase of British Columbia
and Nova Scotia Apples

P.C. 2853

*Certified to be a true copy of a Minute of a Meeting of the Committee of the
Privy Council, approved by His Excellency the Governor General on
the 25th September, 1939.*

The Committee of the Privy Council have had before them a report, dated 25th September, 1939, from the Minister of Agriculture, stating that representations have been received from the Agricultural Supplies Committee that the apple growers in the Province of Nova Scotia and British Columbia, as a result of a shortage or absence of ocean-going cargo space, loss of export markets and other restrictions resulting from the war, are confronted with the impossibility of exporting a large proportion of apples ordinarily marketed in the United Kingdom and Europe, and that in the opinion of the said Committee it is advisable and necessary for the security and welfare of Canada as a food conservation measure, and to secure the continuity of the industry to endeavour to extend the domestic markets for these apples and to divert a proportion thereof into processed products and also to compensate in part the growers for losses sustained as a result of the marketing restrictions aforesaid;

That the Agricultural Supplies Committee estimates that the market restrictions aforesaid will impede or prevent the exportation of at least 500,000 boxes from British Columbia, and 1,500,000 barrels from Nova Scotia; and

That the Agricultural Supplies Committee advises and recommends that the following arrangements be made, namely,—

- (a) arrange for the purchase of surplus apples grown in the Province of British Columbia of varieties, grades and sizes ordinarily exported, not exceeding in all 500,000 boxes, at the prices as set out in the form of agreement annexed hereto.
- (b) arrange for
 - (i) the marketing of apples grown in Nova Scotia of varieties, grades and sizes ordinarily exported, through a central selling agency; and
 - (ii) for the canning or drying of such apples to the full capacity of the plants of manufacturers in Nova Scotia, under agreements to protect the central selling agency and the manufacturers respectively against loss on the basis of prices to be paid growers, handling and processing costs and profits to be set out in agreements between the Minister of Agriculture and the Central Selling Agency and the Minister of Agriculture and the manufacturers aforesaid respectively;
- (c) conduct an advertising campaign to promote the sales of apples and apple products.

The Minister estimates that on the basis of information furnished by the Agricultural Supplies Committee the expenditure of public funds required for these measures may be as follows: in the case of British Columbia, \$525,000, and Nova Scotia apples, approximately \$4,450,000, and for advertising and additional inspection services, \$170,000, making a total of \$5,145,000; that the amount which may be recovered by sale of fresh fruit and processed goods is estimated at \$3,500,000, leaving an estimated loss of \$1,645,000.

The Minister therefore recommends that he be authorized, in virtue of the powers conferred by the War Measures Act, to enter into agreements as follows,—

- (a) with the Okanagan Federated Shippers Association;
- (b) with a Central Selling Agency in Nova Scotia, and
- (c) with processors of apples carrying on business in Nova Scotia; the said agreements to be in the forms annexed hereto.

The Minister further recommends that under the authority of the War Appropriation Act, 1939, the sum of \$1,645,000 be allotted from the appropriation granted by the said Act to provide \$170,000 for advertising and other expenses to be incurred by the Department of Agriculture and \$1,475,000 to cover losses which may be sustained under the arrangements to be entered upon by the Minister of Agriculture.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

MEMORANDUM OF AGREEMENT entered into this _____ day
of _____ 1939.

BETWEEN:

The Okanagan Federated Shippers Association Incorporated, a body politic having its Head Office in the City of Vernon, in the Province of British Columbia, hereinafter called the "Association"

OF THE FIRST PART

and

His Majesty the King, in the right of Canada and herein represented by the Honourable the Minister of Agriculture, hereinafter called the "Minister"

OF THE SECOND PART

Whereas the Association as a result of a shortage or absence of ocean going cargo space, loss of export market and other restrictions resulting from the war is confronted with the impossibility of marketing a large part of the apples grown in British Columbia in 1939 which would be normally marketed in the United Kingdom and Europe.

Whereas the Minister has been authorized under the War Measures Act to enter into an arrangement with the Association to safeguard growers in part against losses which would otherwise be suffered.

Witnesseth that in consideration of the premises, the parties hereto covenant and agree as follows:

1. The Association agrees to dispose, in so far as possible, in export markets of the entire export production of apples grown in 1939 in the Okanagan Valley of the Province of British Columbia.

2. The Minister agrees to buy from the growers through the Association at the price or sum of one dollar and five cents (\$1.05) per box, all boxes of apples not exceeding 500,000 that remain undisposed of on March 31, 1940, provided that earlier than March 31 aforesaid the Minister may purchase any of the aforesaid total quantity at prices appropriately reduced by a proportion of the storage costs.

McIntosh Red.	150-252	Ex. Fey-Fancy—"C"
Jonathan.	150-252	Ex. Fey-Fancy—"C"
Delicious.	125-234	Ex. Fey-Fancy—
Yellow Newtown.	138-252	Ex. Fey-Fancy—"C"
Winesap.	163-252	Ex. Fey-Fancy—"C"
Rome Beauty.	125-216	Fancy
Spitzenberg.	125-216	Ex. Fey-Fancy—"C"
Stayman Winesap.	125-216	Ex. Fey-Fancy—"C"
Grimes Golden.	150-234	Fancy

Minister of Agriculture.

OF THE SECOND PART

(c) to deliver to processors of apples who have entered into processing agreements with the Minister, apples of the varieties, grades and sizes mentioned herein upon terms that the processors shall pay for apples of the following varieties,—

Stark	Nonpareil	Canadian Baldwin	Linda
Baldwin	Greening	Cooper Market	Macoun
Gravenstein	Northern Spy	Delicious	Rome Beauty
Ben Davis	Wolf River	Royal Russet	Salome
Gano	Fallawater	Fameuse	Spitzenberg
Ribston	Wagner	Jonathan	Winesap
Golden Russet	McIntosh	York Imperial	Hubbardston
King	Cox Orange	King George	
Blenheim	Baxter	Lawfam	

the following prices, namely,—

No. 1 grade, $2\frac{1}{2}$ " up.....	\$1.69 per barrel
No. 1 grade, $2\frac{1}{4}$ "- $2\frac{1}{2}$ ".....	\$1.51 per barrel
Domestic, $2\frac{1}{2}$ " up.....	\$1.24 per barrel
Domestic, $2\frac{1}{4}$ "- $2\frac{1}{2}$ ".....	\$1.03 per barrel

and in the case of other varieties the same prices reduced by twenty-five cents per barrel in the case of each grade and size:

Provided, however, that unless the Minister otherwise directs the Central Selling Agency shall not deliver to processors, in the aggregate, apples in excess of 1,500,000 barrels, and provided further that the Central Selling Agency will, if so ordered by the Minister, discontinue deliveries to the processors of any or all apples and deliver the same to the Minister or to such other person as the Minister may as hereinafter provided direct;

(d) to undertake a vigorous marketing program for the sale as fresh fruit of so much of the entire crop as is practicable;

(e) to pay or allow to packers and shippers of apples delivered to processors an allowance for packing and handling of twenty cents per barrel, provided, however, that if the Minister satisfies himself that this allowance exceeds the cost of handling and packing he may, in his absolute discretion, order the reduction of this allowance as he considers fair and reasonable and thereafter the Central Selling Agency will pay or allow only such amount as the Minister directs;

(f) to retain from the proceeds of deliveries to processors a sum not exceeding two cents per barrel to cover the actual cost of operations of the Central Selling Agency;

(g) to conduct a pool for the equalization of returns to growers of moneys received from processors and from the sale of apples after deducting all necessary and proper disbursements and expenses and to make payments to growers in accordance with such pooling arrangement;

(h) to maintain suitable accounting records of all purchases and sales of apples made under this agreement and such supporting vouchers and other records as may be necessary for the purposes of any audit which may require to be made under the provisions of the next succeeding paragraph; and to make available to a representative of the Minister of Finance all accounting and other records which may be deemed necessary for the purposes of any inspection or audit he may have to make for the purposes of this agreement;

(i) to make it a condition of its appointing or designating of a sub-agent, that such sub-agent,—

- (1) shall not accept delivery of any apples of the varieties, grades and sizes covered by this agreement, or pack, store, handle, sell or otherwise deal in such apples otherwise than as the agent of the Central Selling Agency and in strict accordance with its directions;

- (2) shall at all times observe all provisions of the Fruit, Vegetables and Honey Act and Regulations thereunder and any law or regulation of the Province of Nova Scotia respecting the packing and marketing of fruit;
- (3) shall record and submit to it:
 - (a) complete details of all apples purchased from or packed and handled for growers;
 - (b) all costs and expenditures incidental to the packing and handling of apples;
 - (c) all sales of apples in the fresh fruit market and to manufacturers;

and to cancel such appointment or designation for non-compliance with these conditions.

2. The Minister agrees,—

(a) to enter into agreements with processors in Nova Scotia for the processing of apples not exceeding, in the aggregate, 1,500,000 barrels of the varieties, grades and sizes mentioned in paragraph, (c) of clause 1 hereof on the basis of payment by the processor to the Central Selling Agency of the prices mentioned in paragraph, (c) aforesaid;

(b) if the Central Selling Agency satisfies the Minister that,—

(i) owing to the continuation and severity of market restrictions it is unable to dispose of the balance of the crop of apples of the varieties, grades and sizes mentioned in paragraph (c) of clause 1 hereof as fresh fruit at prices which will produce returns to the growers substantially equivalent to the returns in the case of processed apples, and

(ii) sufficient drying facilities are available in Nova Scotia.

to enter into additional agreements with processors in Nova Scotia for the processing of additional apples not exceeding, in the aggregate, 250,000 barrels on the same basis of payment as is provided for in paragraph (a) hereof:

Provided, however, that the Minister may require the Central Selling Agency to deliver to him or to his nominee any of the apples covered by the processing agreements mentioned in paragraphs (a) and (b) hereof upon terms that the Minister will pay to the Central Selling Agency the prices mentioned in paragraph (c) of clause 1 hereof together with an allowance of thirty cents per barrel to cover additional packing and package costs and marketing costs.

2. Any payments required to be made under subsection (1) of this clause shall be made by the Minister after submission of a final report satisfactory to the Minister of Finance.

In witness whereof the parties hereto have hereunto set their hands and seals.

.....
Central Selling Agency

.....
Minister of Agriculture

BETWEEN:

of

in the Province of Nova Scotia, hereinafter called the "Manufacturer"

OF THE FIRST PART,

and

His Majesty the King in the right of Canada, hereinafter represented by the Honourable the Minister of Agriculture, hereinafter called the "Minister"

OF THE SECOND PART.

Whereas the Minister has been authorized by the Governor in Council (P.C.) to enter into agreements with manufacturers for the conservation of surplus apples of certain varieties, grades and sizes grown in Nova Scotia by processing the same upon certain terms as to the disposition of the manufactured product.

And whereas the manufacturer has agreed to process apples upon the terms authorized.

Now, therefore, in consideration of these presents the parties hereto covenant and agree each with the other as follows:

1. The manufacturer agrees,—

(a) to purchase for processing and to accept delivery from a Central Selling Agency (which has entered into an agreement with the Minister for the marketing of the entire crop of apples of certain varieties, grades and sizes grown in Nova Scotia in the year 1939), apples of the aforesaid varieties, grades and sizes as required to keep his plant operating to the full extent of its present capacity unless or until the Minister may otherwise direct. Subject as hereinafter provided the manufacturer shall accept all varieties of apples of the grades and sizes mentioned in paragraph (e) hereof as they become available on the market: Provided, however, that the manufacturer shall refuse to accept delivery for canning or drying of apples of other grades or sizes aforesaid or any apples without government inspection certificates as to quantity, variety, grade and size or which have become unsuitable by reason of condition for canning or drying or which are delivered in barrels containing less than one hundred and thirty pounds net weight or in barrels which are not full when delivered; and provided further that the manufacturer shall refuse to accept delivery of apples from any person named in any written notification from the Department of Agriculture to the effect that such person has misrepresented the variety, grade or size or the quantity of any lot of apples;

(b) immediately on the signing of these presents to commence the processing and packing of apples, whether by drying or canning, according to approved manufacturing methods and so as to produce, generally, canned and dried apples of grade not less than "Choice Quality" as established by regulations under the Meat and Canned Foods Act; to permit at all reasonable times an inspector representing the Minister to inspect the manufacturer's plant and premises to assure himself that the processing is being done in the best manner available, and the Minister may if an inspector reports that fifteen per cent of the manufacturer's output is grading below "Choice Quality" suspend or cancel this agreement or penalize the manufacturer by deducting the profit payable hereunder in respect of all output graded below "Choice Quality";

(c) to process and pack each of the following varieties of apples separately:

Stark	Ribston	Greening
Baldwin	Golden Russet	Northern Spy
Gravenstein	King	Wolf River
Ben Davis	Blenheim	Fallawater
Gano	Nonpareil	Wagner

(d) to process and pack the following varieties of apples:

McIntosh	Royal Russet	Macoun
Cox Orange	Fameuse	Rome Beauty
Baxter	Jonathan	Salome
Canadian Baldwin	King George	Spitzenberg
Cooper Market	Lawfam	Winesap
Delicious	Linda	York Imperial
		Hubbardston

together with any other unnamed varieties of comparable manufacturing quality.

(e) to pay to a Central Selling Agency approved by the Minister the following prices according to grade and size:

No. 1 grade, $2\frac{1}{2}$ " up.....	\$1.69 per barrel
No. 1 grade, $2\frac{1}{4}$ "- $2\frac{1}{2}$ ".....	1.51 per barrel
Domestic, $2\frac{1}{2}$ " up.....	1.24 per barrel
Domestic, $2\frac{1}{4}$ "- $2\frac{1}{2}$ ".....	1.03 per barrel

provided that in the case of the unnamed varieties mentioned in paragraph (d), each of the above mentioned prices shall be reduced by twenty-five cents per barrel. Payment shall be made on or before December 15, 1939, for apples delivered up to and including November 30, 1939, and monthly thereafter on or before the fifteenth day of the month;

(f) to accept for processing at his plant fall varieties (Gravenstein, Blenheim and Ribston) only as required for prompt processing, and to accept such quantities of other varieties for storage at his plant as cannot be stored in any available packing plant: provided, however, that the manufacturer shall not accept delivery of apples to be held out-of-doors in excess of what can be processed by January 1, 1940; and provided further that after January 1, 1940, no apples shall be accepted for processing in excess of the capacity of the plant to manufacture promptly;

(g) to insure and keep insured all processed products in storage until the same are sold or delivered as directed by the Minister as herein provided;

(h) to maintain proper accounting records including vouchers, payrolls and invoices to show all items of expense incurred and forming any part of the costs incurred for processing; to keep stock records of apples received for processing supported by inspection certificates of the Department of Agriculture, records of the processed products in stock and sales thereof and such other records as may be required by the Minister of Finance to support transactions under this contract, and to make available to a representative of the Minister of Finance all accounting and other records for inspection and audit;

(i) to report to the Minister within five days after the end of each calendar month the total quantity of apples accepted for processing according to varieties, grades and sizes thereof, the quantity of canned or dried apples processed during the said month and the expenditure incurred during the month for processing;

(j) to use his best endeavours to sell the goods as processed by him at prices not less than minimum prices approved by the Minister and to sell and deliver the whole or any part of the goods processed at such time and place and at such price and to such person including the Minister as the Minister may

direct and shall be entitled to be paid by the Minister in accordance with the terms of clause 2 hereof, provided that the manufacturer shall sell and deliver to the Minister all processed goods remaining on hand on May 15, 1940.

2. Upon the production of satisfactory records and statements of account the Minister agrees to pay to the manufacturer the sum of the following amounts,—

(a) the amount paid to the Central Selling Agency for apples purchased for processing in accordance with the terms of this agreement;

(b) the actual cost paid or incurred by the manufacturer of delivering or trucking the said apples to his plant but not in excess of ten cents per barrel of apples so delivered;

(c) the amount of the direct processing cost of all apples processed by the manufacturer under the terms of this agreement, which direct processing cost shall be computed as provided for in subsection (2) of this clause;

(d) an allowance per barrel of apples processed by the manufacturer under the terms of this agreement equal to 8 per centum of the sum of (a) and (c) above, to cover overhead and other general expenses incurred by the manufacturer under the terms of this agreement otherwise provided for herein and to provide for a return on his investment;

(e) an amount to cover actual out-of-pocket expenditures incurred for storage and insurance of processed products stored until sold or delivered to the Minister as herein provided; and

(f) an allowance for selling expenses equal to 4 per centum of the amount of any sales of products processed under the terms of this agreement made by the manufacturer to any person other than the Minister less the amount of any sales of products processed under the terms of this agreement made by the manufacturer, and less a deduction to be made by the Minister if the manufacturer produces less than ten one-gallon tins of canned apples or twelve pounds of dried apples per barrel of fresh fruit, such deduction to be made from the allowance on account of the purchase price of fresh fruit delivered to his plant proportionate to the shortage aforesaid and to be calculated by reference to the average price of all fresh fruit purchased by the manufacturer from or through the Central Selling Agency, and less a further deduction to be made by the Minister of the amount whereby minimum prices approved by the Minister exceed the sale prices of goods processed hereunder sold by the manufacturer, provided that no such deduction shall be made in the case of goods delivered pursuant to bona fide contracts entered into prior to 21st day of September, 1939.

(2) For the purposes of this agreement, direct processing cost shall mean the sum obtained by multiplying the number of barrels of apples processed by the manufacturer under the terms of this agreement by the weighted provincial average of the direct processing cost per barrel of all apples processed under the terms of this agreement and of agreements identical in terms entered into with all other manufacturers, provided that the said weighted provincial average shall be as computed by the Minister of Finance on the basis of actual out-of-pocket expenditures for labour manufacturing materials other than apples, minor repairs and parts, fuel and power, and provided further that if the direct processing cost of the manufacture should be lower or higher than the weighted provincial average then for the purpose of calculating the amounts referred to in paragraphs (c) and (d) of subsection (1) of this clause the weighted provincial average shall be adjusted downwards or upwards as the case may be by one-half of the amount by which the direct processing cost of the manufacturer is lower or higher than the weighted provincial average.

(3) It is understood and agreed as follows:

- (a) If the proceeds from the sale of processed products exceed the cost of fresh fruit together with the processing costs and allowances to the manufacturer as provided herein, the excess shall be paid to the Central Selling Agency for distribution to growers on a pro rata basis.
- (b) In the event of there being any dispute between the parties hereto with respect to any matter arising under this agreement the decision of the Minister shall be final and binding.
- (c) Pursuant to the provisions of the Statute in such case made and provided, no Member of the House of Commons of Canada shall be admitted to any share or part of this contract, or to any benefit to arise therefrom.

In witness whereof the parties hereto have hereunto set their hands and seals.

.....
Manufacturer
.....
Minister of Agriculture

Order in Council authorizing Proclamation—Day of Humble Prayer and Intercession, Sunday, October 8, 1939

P.C. 2881

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 27th September, 1939

The Committee of the Privy Council, on the recommendation of the Acting Secretary of State, advise that a Proclamation do issue in the terms of the annexed draft, setting apart Sunday, October 8, 1939, as a day to be throughout the Dominion of Canada a day of Humble Prayer and Intercession to Almighty God touching the war in which Canada is now engaged.

(Sgd). H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Canada Gazette (Extra) 27th September, 1939

PROCLAMATION

TWEEDSMUIR
[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To all to whom these Presents shall come or whom the same may in anywise concern,—

GREETING:

A PROCLAMATION

W. STUART EDWARDS,
Deputy Minister of
Justice, Canada.

Whereas We, by and with advice of Our Privy Council for Canada, proclaimed, by Our Proclamation bearing date the Tenth day of September in the

year of Our Lord one thousand nine hundred and thirty-nine, that a state of war exists between Our said Dominion and the German Reich;

And whereas our Dominion of Canada has been forced to take up arms in defence of rights and liberties unjustly attacked and to prevent unprovoked aggression;

We, therefore, believing it to be fitting that Our people of Canada should be enabled to make a public and solemn avowal of duty to Almighty God and of need of guidance, have thought fit, by and with the advice of Our Privy Council for Canada, to appoint, and We do hereby appoint Sunday, the Eighth day of October next to be throughout Our Dominion of Canada a day of Humble Prayer and Intercession to Almighty God on behalf of the cause undertaken by Canada, by the United Kingdom and other Dominions of the British Commonwealth of Nations, and by Allied and Associated Powers and all those who are offering their lives for our cause, and for a speedy and favourable peace that shall be founded on understanding and not hatred, to the end that peace shall endure; and We do hereby invite all Our loving subjects throughout Canada to set apart this appointed day as a day of Humble Prayer and Intercession.

Of all which Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved John, Baron Tweedsmuir of Elsfield, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this twenty-seventh day of September, in the year of Our Lord one thousand nine hundred and thirty-nine and in the Third year of Our Reign.

By Command,

E. H. COLEMAN,

Under-Secretary of State.

Order in Council amending Regulation 39—Defence of Canada—
Printing of prejudicial statements

Canada Gazette (Extra) October 4, 1939

P.C. 2891

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 27th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by regulation 15 of the Defence of Canada Regulations provision is made to control publications in Canada which would or might be prejudicial to the safety of the State or the efficient prosecution of the war;

And whereas by regulation 39 the spreading by word of mouth of reports or statements likely to cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of any allied or associated powers or to prejudice His Majesty's relations with foreign powers, or to prejudice the recruiting, training, discipline or administration of any of His Majesty's forces, is prohibited;

And whereas the Minister of Justice reports that it is considered desirable that the printing, circulation or distribution of any written document containing any material, report or statement having the effect indicated in the said regulations 15 and 39 be prohibited;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to make the following Regulation and it is hereby made, established and added to the Defence of Canada Regulations, made by P.C. 2483, September 3, 1939, immediately after regulation 39 thereof:

"39A. No person shall print, circulate or distribute, any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind containing any material, report or statement false or otherwise,

- (a) intended or likely to cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of any allied or associated power, or to prejudice His Majesty's relations with foreign powers, or
- (b) intended or likely to prejudice the recruiting, training, discipline or administration of any of His Majesty's forces, or
- (c) which would or might be prejudicial to the safety of the State or the efficient prosecution of the war."

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

**Order in Council amending Prize Court Regulations—P.C. 2489,
September 5, 1939**

Canadian Gazette, October 7, 1939

P.C. 2892

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 27th day of September, 1939.

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL:

Whereas orders and regulations were made by Order in Council P.C. 2489 on the 5th day of September, 1939, passed pursuant to the provisions of the War Measures Act, whereby the Exchequer Court of Canada on its Admiralty side was constituted and established a Prize Court, and provision was made for the exercise of Prize jurisdiction in Canada;

And whereas the Minister of Justice reports that it is now considered advisable, for the purpose of making certain amendments thereto, to revoke the said orders and regulations and substitute therefor orders and regulations as hereunder:

Now, therefore, His Excellency the Governor General in Council, in the exercise of the powers conferred by the War Measures Act, is pleased to order that the said orders and regulations made by Order in Council P.C. 2489 of the 5th September, 1939, be and they are hereby revoked and the following orders and regulations are hereby made and substituted therefor.

1. The Exchequer Court of Canada on its Admiralty side is hereby constituted and established a Prize Court and is hereby authorized and required to take cognizance of and judicially proceed upon all and all manner of captures, seizures, prizes and reprisals of all ships, vessels, aircraft and goods that are or shall be taken, and to hear and determine the same, and according to the course of Admiralty and the Law of Nations, and the statutes, rules and regulations for the time being in force in that behalf, to adjudge and condemn all such ships, vessels, aircraft, and goods as shall belong to any enemy country or the citizens or subjects thereof, or to any other persons inhabiting within any of the countries, territories, or dominions of any enemy country or which are otherwise condemnable as prize.

2. The powers and authorities conferred by this order shall be exercised by such of the Judges of the Exchequer Court of Canada and such of the district judges in Admiralty as may be designated from time to time by the Minister of Justice.

3. (1) The Governor in Council may appoint a judge of any provincial Superior Court to be an ad hoc judge of the Exchequer Court of Canada on its Admiralty side to hold office and to exercise the powers and authorities herein provided, during pleasure.

(2) Such judge shall be paid, during the period he continues to hold the office of ad hoc judge as aforesaid, such additional salary and expenses out of funds provided by Parliament for the purpose as may be determined by the Governor in Council.

(3) The powers and authorities to be exercised by such judge shall be limited to causes or matters in Prize.

4. (1) The Governor in Council may appoint a person who is qualified to be appointed a judge of a provincial Superior Court to be a judge of the Exchequer Court of Canada on its Admiralty side to hold office and to exercise the powers and authorities herein provided, during pleasure.

(2) Such person shall be paid, during the period he continues to hold the office of judge as aforesaid, such salary and expenses out of funds provided by Parliament for the purpose as may be determined by the Governor in Council, but the provisions of the Judges Act with regard to superannuation of Superior Court judges shall not be applicable.

(3) The powers and authorities to be exercised by such person shall be limited to causes or matters in Prize.

5. The Minister of Justice may designate from time to time, by notice published in the *Canada Gazette*, the judges or persons who are authorized to exercise the powers and authorities under this order, and the places at which they may be exercised, and may designate by name or office the persons who may act as registrars, marshals, and other officers of the Court in this behalf.

6. (1) The said Court, or any judge thereof, acting under this order shall, pending the making of rules of practice and procedure hereunder or the enactment of legislation in respect of prize by the Parliament of Canada, be governed by the statutes, rules and regulations with regard to prize, including practice and procedure in prize matters, in force in the United Kingdom, from time to time.

(2) Without restricting the generality of the foregoing, the Court shall, for the purpose of making provision for the transfer of proceedings in prize, be governed by and shall apply the Prize Courts Act, 1915, and the Naval Prize (Procedure) Act, 1916, of the Statutes of the United Kingdom, and shall be deemed to be a Prize Court within the meaning of such Acts and shall be empowered to deal with any proceedings remitted to the Court from Prize courts established in other parts of His Majesty's dominions accordingly.

7. Rules of practice and procedure in Prize matters may be made from time to time by the Governor in Council.

8. The Prize Court thereby constituted and established shall be deemed a Prize Court within the meaning of section 5 of the Naval Prize Act, 1864, of the Statutes of the United Kingdom and shall have all powers which are necessary to enforce within Canada all orders and decrees of His Majesty in Council in prize appeals and all orders of a Prize Court exercising jurisdiction in any of His Majesty's dominions.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council amending Regulations—Defence Purchasing Board

P.C. 2896

AT THE GOVERNMENT HOUSE AT OTTAWA

Wednesday, the 27th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Finance reports,—

1. That owing to the outbreak of war and the urgency of obtaining supplies and munitions of war and of executing and carrying out defence projects promptly, it is in the public interest, as a temporary measure pending the taking over by the War Supply Board of the work of the Defence Purchasing Board and until the date on which the said Board commences to function which said date shall be declared by Order in Council, that the Defence Purchasing Board shall have wider authority than is conferred by The Defence Purchases, Profits Control, and Financing Act, 1939;

2. That the Chairman of the Defence Purchasing Board has pointed out that due to his being the only member devoting his entire attention to the work of the Board and because of the probable multiplicity of urgent transactions, it is desirable that a procedure be authorized whereby orders may be given and

contracts made quickly and efficiently whenever urgency exists, and that, in this connection, it is particularly desirable that the Chairman of the Board have authority of his own motion to give purchase orders or to make contracts in respect of munitions and supplies up to some specified limit on the amount involved and in other cases when authorized by the Minister of Finance, it being pointed out that under authority of Order in Council P.C. 1504, dated June 15, 1918, as affected by Order in Council P.C. 353, dated February 17, 1919, the Department, then known as Militia and Defence, received authority for the purchase of supplies and equipment up to \$15,000 upon the requisition of the Deputy Minister of the Department, without the approval of the Ministerial head of the Department and without authority of the Governor in Council;

3. That under the existing conditions calling for immediate action from hour to hour, it is highly essential the Chairman of the Board have authority to act on the instant in cases where he considers the public interest requires it and without the necessity of previous approval of the Minister of Finance in cases where the amount involved is of moderate proportions having regard to the expenditures necessarily being made at this time and in other cases authorized by the Minister of Finance.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is pleased, notwithstanding anything contained in The Defence Purchases, Profits Control, and Financing Act, 1939, to order and it is hereby ordered as follows:—

1. The Defence Purchasing Board may make contracts for defence equipment or defence projects which involve expenditure either in excess of \$5,000 or of that amount or less;

2. In the case of any purchase order or contract for munitions or supplies as defined by Order in Council P.C. 2696 dated September 15, 1939, where in the opinion of the Chairman of the Board the case is one of urgency due to military considerations of the moment and

(a) where delivery is to be made within sixty days and the amount involved does not exceed \$15,000 or

(b) in any other case in which the Minister of Finance so authorizes.

The Chairman of the Board may of his own motion or without further authority, as the case may be, give any such order or make any such contract and the amount of the same may be accepted as commitments against the appropriations provided for the Department of National Defence services, and the Chairman of the Board shall report promptly to the Minister of Finance the particulars of such purchase orders or contracts stating the commodity, the amount involved, the price and the method of arriving at same, with the opinion of the Chairman of the Board as to the reasonableness thereof and as to the urgency of the transaction;

3. The following provisions shall apply to the Defence Purchasing Board in lieu of the provisions under subsections four and five of Section 4 of the said Defence Purchases, Profits Control, and Financing Act, 1939, namely:—

In respect of all contracts to be made by the Board or to be entered into on its behalf, the following regulations shall obtain as far as practicable:

(a) tenders shall be called for;

(b) purchases shall be made and contracts given at the lowest price offered.

These regulations may be departed from only in cases of urgency due to military considerations of the moment or for other good and sufficient reason, and in any such case the grounds of the departure shall be clearly recorded.

4. On account of the considerations referred to in the first paragraph hereof, Section 7 of the said Defence Purchases, Profits Control, and Financing Act, 1939, shall not be applicable to or binding upon the Defence Purchasing Board or to any contract entered into by the Board after the date of the coming into force of this Order until the said date, to be declared as aforesaid, upon which the War Supply Board commences to function;

5. The Contracts Branch of the Department of National Defence shall, until the date to be declared as aforesaid, upon which the War Supply Board commences to function, be subject to the direction and supervision of the Defence Purchasing Board, and from and after such date the officers, clerks and employees of the said Contracts Branch shall be transferred to the staff of the said War Supply Board;

6. Order in Council P.C. 2709, dated September 15, 1939, is hereby repealed and the provisions of this Order shall be deemed to have come into effect on September 15, 1939.

(Sgd.) H. W. LOTHROP,

Asst. Clerk of the Privy Council.

Order in Council providing Agreement—Ontario Apples

P.C. 2905

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 27th September, 1939.

The Committee of the Privy Council have had before them a report, dated 27th September, 1939, from the Minister of Agriculture stating that further representations have been received from the Agricultural Supplies Committee to the effect that the apple growers in the Province of Ontario, as a result of a shortage or absence of ocean-going cargo space, loss of export markets and other restrictions resulting from the war, are confronted with the impossibility of exporting apples ordinarily marketed in the United Kingdom and Europe and that in the opinion of the said Committee, it is advisable in order to secure the continuity of the industry, to endeavour to extend the domestic market for these apples and to compensate in part the growers for losses sustained as a result of the market restrictions aforesaid;

That the Agricultural Supplies Committee estimates that the market restrictions aforesaid will impede or prevent the exportation of 75,000 barrels from Ontario; and

That the Agricultural Supplies Committee advises and recommends that an arrangement be made for the purchase of surplus apples grown in Ontario of varieties, grades and sizes ordinarily exported, not exceeding in all 75,000 barrels, at the prices to be ascertained in the manner set out in the form of agreement annexed hereto.

The Minister, therefore, recommends that he be authorized, in virtue of the powers conferred by the War Measures Act, to enter into an agreement with the Ontario Fruit Export Association, the said agreement to be in the form annexed hereto.

The Minister further recommends that under the authority of The War Appropriation Act, 1939, the sum of \$125,000 be allotted from the appropriation granted by the said Act to cover the arrangement to be entered into by the Minister of Agriculture.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP
Asst. Clerk of the Privy Council.

MEMORANDUM OF AGREEMENT entered into this _____ day
of _____ A.D. 1939.

BETWEEN:

The Ontario Fruit Export Association, a body politic having its Head Office in the City of Toronto, in the Province of Ontario, hereinafter called the "Association"

OF THE FIRST PART

—and—

His Majesty the King, in the right of Canada and herein represented by the Honourable the Minister of Agriculture, hereinafter called the "Minister"

OF THE SECOND PART

Whereas the Association as a result of a shortage or absence of ocean-going cargo space, loss of export markets and other restrictions resulting from the war is confronted with the impossibility of marketing a large part of the apples grown in Ontario in 1939 which normally would be marketed in the United Kingdom and Europe;

Whereas the Minister has been authorized under the War Measures Act to enter into an arrangement with the Association to safeguard growers in part against losses which would otherwise be suffered,

Witnesseth that in consideration of the premises, the parties hereto covenant and agree as follows:

1. The Association agrees to dispose, in so far as possible, of all apples grown in Ontario in 1939 of the export varieties and grades hereinafter mentioned.

2. The Minister agrees to buy from the growers through the Association all apples not exceeding seventy-five thousand barrels remaining undisposed of on March 31, 1940, provided that earlier than March 31 aforesaid the Minister may buy any of the aforesaid total quantity, at prices per variety and grade to be determined by the Minister on the basis of 65 per cent of the 3-year average of their prices f.o.b. packing plants for such varieties and grades sold in the export markets.

3. This Agreement shall extend to No. 1 and domestic grades of the following varieties, namely: Baldwin, Ben Davis, Gano, Greening, Jonathan, McIntosh, Northern Spy, Pippin, Russett, Salome, Snow (Fameuse), Stark.

In witness whereof the parties hereto have hereunto set their hands and seals.

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Minister of Agriculture.

Order in Council authorizing purchase and sale of Fibre Flax Seed

Canada Gazette, 21st October, 1939

P.C. 2906

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 5th day of October, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Agriculture reports that he has received the following representations from the Agricultural Supplies Committee:

1. That it is important that steps be taken immediately to ensure that the 1939 Canadian crop of fibre flax seed will be used constructively in the production of supplies essential to the linen industry in Great Britain and Northern Ireland;

2. That for a number of years the Department of Agriculture has co-operated with the Government of Northern Ireland in developing in Canada the production of seed of fibre flax varieties approved by the linen industry and the Government of Northern Ireland;

3. That in 1939 Canadian production of fibre flax seed is estimated at twenty-nine thousand (29,000) bushels of field inspected certified seed and at thirty thousand (30,000) bushels of uncertified seed;

4. That the Government of Northern Ireland has transmitted, through the Department of Agriculture, an offer of five dollars and fifty cents (\$5.50) per bushel, f.o.b. shipping point, for all number one certified seed not required in Canada for next year's seeding;

5. That the Flax Control Board of Great Britain is negotiating through the Department of Agriculture for the production and purchase in Canada of at least ten thousand (10,000) tons of fibre in 1940;

6. That seed available in Canada from the 1939 crop is insufficient to make it possible to meet in full the demands which have already developed from these two sources; and

7. That if control of available supplies of seed in Canada is not taken immediately there is danger that this resource will in part be dissipated through speculative and ill-advised promotional activities.

Therefore His Excellency the Governor General in Council on the recommendation of the Minister of Agriculture, is pleased to order and it is hereby ordered that until further notice licences for the export from Canada of fibre flax seed shall be withheld unless recommended by the Agricultural Supplies Committee.

His Excellency in Council, on the same recommendation, is hereby further pleased to authorize the Agricultural Supplies Committee to arrange for the purchase of available supplies of fibre flax seed in Canada at prices of five dollars and fifty cents (\$5.50) per bushel for number one certified seed and at four dollars and twenty-five cents (\$4.25) per bushel for uncertified seed, less freight differentials to Montreal in each case; to organize flax production activi-

ties in Canada in 1940; to sell from the seed so purchased supplies required for seeding purposes; to sell for export to Great Britain or Northern Ireland all seed purchased and not required for 1940 seeding in Canada, and to make all necessary arrangements for storage and exportation.

His Excellency in Council is also pleased to direct that credits be provided to the said Committee in instalments not to exceed \$100,000 and to a total amount not to exceed \$300,000 to the thirty-first of March, 1940, and that the financial control be arranged as between the Comptroller of the Treasury and the Committee on a basis to assure eventual repayment to the Treasury of the credits so provided.

(Sgd) H. W. LOTHROP
Asst. Clerk of the Privy Council.

**Order in Council authorizing War Supply Board to act as Agent for
British Purchasing Mission**

P.C. 2921

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 28th September, 1939.

The Committee of the Privy Council have had before them a report, dated 28th September, 1939, from the Minister of Finance submitting:—

1. That subsection (3) of Section 5 of the Order in Council constituting the War Supply Board (P.C. 2696 dated September 15, 1939) reads as follows:—

“(3) With the approval of the Minister, the Board shall have authority—

- (a) to procure, purchase and acquire munitions of war and supplies which may be required by the Government of Canada and to procure the execution and carrying out of Defence projects for, during, or respecting the present war, and to enter into contracts therefor;
- (b) to control or supervise and, if authorized by the Governor in Council to procure, purchase and acquire and enter into contracts for the procuring, purchasing or acquisition of munitions of war and supplies for any of His Majesty's Governments or for the Government of any Allied or Associated Power.”

2. That the Chairman of the British Purchasing Mission in Canada has requested that the War Supply Board may be authorized to act as agent for His Majesty's Government in the United Kingdom, to perform the duties specified in paragraph (b) of subsection (3) of Section 5 of the Order in Council above mentioned, in respect of orders to be placed in Canada on behalf of His Majesty's Government in the United Kingdom and represents that these orders will relate primarily to munitions of war and supplies required by the Ministry of Supply and Defence Departments of Great Britain.

The Minister, therefore, recommends that under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, the War Supply Board be hereby authorized to perform the duties specified in paragraph (b) of subsection (3) of Section 5 of Order in Council P.C. 2696 dated

September 15, 1939, in respect of the procuring, purchasing and acquisition of munitions of war and supplies as defined in the said Order in Council for His Majesty's Government in the United Kingdom whether at the instance of or through the medium of the British Purchasing Mission or otherwise.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council amending Defence of Canada Regulations—Essential Services

Canada Gazette, 7th October, 1939

P.C. 2926

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 29th day of September, 1939.

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL:

Whereas subparagraph (d) of paragraph (1) of Regulation 2 of the Defence of Canada Regulations provides, inter alia, that "essential services" means such services as may for the time being be declared by the Governor in Council to be essential to the life of the community;

And whereas it has been represented to the Minister of Justice that a declaration to the effect that certain services are essential to the life of the community would enable the civil authorities to enforce the provisions of the Defence of Canada Regulations relating to trespassing and loitering on or near premises used or appropriated for the purpose of essential services and those regulations which prohibit the doing of any act with intent to impair the efficiency or impede the working of any undertaking engaged in the performance of such services;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased, with a view to assisting the civil authority in the enforcement of the Defence of Canada Regulations, to order that the following services be and they are hereby declared to be "essential services," for the purposes of the said Regulations, that is to say,—

- (a) any undertaking for the supply of electricity, gas or water;
- (b) any sewer, or sewage disposal undertaking or any undertaking for the collection or disposal of refuse; and
- (c) any municipal services, property and utilities.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council amending Regulation re Senior Police Officers—R.C.M.P.

Canada Gazette, 7th October, 1939

P.C. 2929

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 29th day of September, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas subparagraph (h) of Regulation 2 of the Defence of Canada Regulations provides that a "senior police officer" means any officer of the Royal Canadian Mounted Police not below the rank of inspector; any officer of any provincial police force of a like or superior rank; the chief constable of any city or town with a population of not less than ten thousand; or any person upon whom the powers of a senior police officer are, for the purposes of the Regulations, conferred by the Governor in Council;

And whereas paragraph (1) of Regulation 58 of the said Regulations provides, inter alia, that if a Justice of the Peace is satisfied by information on oath that there is reasonable ground for suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at any premises specified in the information, he may grant a search warrant authorizing any senior police officer, together with any other persons named in the warrant, to enter the premises at any time or times within one month from the date of the warrant, if necessary by force, and to search the premises and every person found therein, and to seize any article found in the premises or on any such person which the officer has reasonable ground for believing to be evidence of the commission of such an offence as aforesaid;

And whereas the Minister of Justice states that the Commissioner of the Royal Canadian Mounted Police reports that there are many places in Canada where detachments of the Force are in charge of non-commissioned officers or constables and that it is difficult in many localities to have present at every search a senior officer of the Royal Canadian Mounted Police;

That the Commissioner further reports that the non-commissioned officers and constables of the Force are quite competent to execute such searches and therefore has requested that for the purposes of paragraph (1) of Regulation 58 of the Defence of Canada Regulations the powers of a senior police officer be conferred by the Governor in Council upon non-commissioned officers and constables of the Royal Canadian Mounted Police;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to order and it is hereby ordered that for the purposes of carrying out the provisions of paragraph (1) of Regulation 58 of the Defence of Canada Regulations, the non-commissioned officers and constables of the Royal Canadian Mounted Police shall be deemed to be senior police officers within the meaning of subparagraph (h) of Regulation 2 of the said Defence of Canada Regulations.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council appointing Hides and Leather Administrator

Canada Gazette, 7th October, 1939

P.C. 2975

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on 3rd October, 1939.

The Committee of the Privy Council have had before them a report, dated 3rd October, 1939, from the Minister of Labour, submitting:

That he has received representations from the Wartime Prices and Trade Board to the effect:

1. That the United Kingdom Government has acquired control over supplies of hides and leather in the United Kingdom and is negotiating with certain other countries from which Canada normally draws a large part of its requirements of hides;

2. That the United Kingdom Government has appointed a Leather Controller with broad powers to control imports and exports, to fix maximum prices, and to purchase supplies of hides in overseas countries; and

3. That, in view of this situation and the consequent desirability of co-operation with the United Kingdom authorities in regard to the supply and allocation of hides and leather, the Wartime Prices and Trade Board deems it advisable to appoint a Hides and Leather Administrator in Canada to make whatever arrangements may be necessary to ensure continuity of supply and equitable allocation thereof.

The Minister, therefore, on the advice of the Wartime Prices and Trade Board, recommends:

(1) That the appointment of Maurice Samson, Esquire, of the city of Quebec, as Hides and Leather Administrator be approved; and that he be responsible, in co-operation with the industries concerned and under the direction of the Board, for the conduct of negotiations with the United Kingdom Leather Controller, for arranging for supplies of hides and leather to be imported into Canada, for supervision of the purchase, shipment, delivery and allocation of hides and leather, whether domestic or imported, and for such other duties as may be assigned to him by the Board.

(2) That the recommendation of the Wartime Prices and Trade Board that the said Maurice Samson shall receive a salary of one dollar per annum and his actual transportation expenses and a living allowance of twenty dollars per diem while absent from his place of residence in connection with the duties aforesaid, be approved.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council prohibiting export of chum salmon in a fresh state.
B.C.

Canada Gazette, 21st October, 1939

P.C. 2997

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 5th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Fisheries reports that the Government of the Province of British Columbia has, owing to war conditions and with a view to conserving food supplies for use within the British Empire, refused to license the processing of salmon in dry salted form for the current season;

That salmon processed by such method of curing is not utilized within the British Empire;

That it has now been represented that considerable quantities of chum salmon, ordinarily used for dry salting purposes, caught by British Columbia fishermen, are being exported from Canada in a fresh state for processing elsewhere; and

That to prevent circumvention of the action taken by it, the Government of the Province of British Columbia has requested that the export of such fresh salmon should not be permitted.

Now, therefore, with a view to meeting the above request, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to order that for the current season, to and including December 31, 1939, the export from the Dominion of Canada of chum salmon in a fresh state be and it is hereby prohibited.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council authorizing hospitalization—Naval, Military and
Air Forces—Pensions and National Health

Canada Gazette, 21st October, 1939

P.C. 3004

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 5th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Acting Minister of Pensions and National Health and the Minister of National Defence report that the number of personnel of the Naval

Forces, the Militia and the Air Force of Canada who are now on active service, and the further increases in such number, necessitate provision being made for hospital treatment and institutional care for those who may need the same;

That the matter has been explored by Officers of the Departments of Pensions and National Health and National Defence, and in the opinion of the Ministers, it would be in the public interest if the hospital and treatment facilities of the Department of Pensions and National Health were utilized to the fullest possible extent;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Pensions and National Health and the Minister of National Defence, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased, notwithstanding the provisions of any other Act, Law or Regulation, to make the following regulations pertaining to the hospital treatment and institutional care in Canada for members of the Naval Forces, the Militia and the Air Force of Canada on active service, hereinafter referred to as "members of the Forces," and in respect of matters of administration, and they are hereby made and established accordingly:

REGULATIONS

1. Should, in the opinion of the Medical Officers of the Department of National Defence, a member of the Forces on active service require hospital treatment or institutional care, such member of the Forces shall in the discretion of the Medical Officers of the Department of National Defence be referred to the Department of Pensions and National Health for the said hospital treatment or institutional care.

2. That, during such time as a member of the Forces is receiving hospital treatment or institutional care under the control and management of the Department of Pensions and National Health, he will continue to be subject to the laws pertaining to that Force to which he belongs, provided that if whilst undergoing such treatment or care a member of the Forces commits an offence under the Naval Discipline Act, Military Law or Air Force Law, as the case may be, or under any other Law pertaining to the Force to which such member of the Forces belongs, he shall forthwith be reported to such appropriate authority as may from time to time be designated by the Department of National Defence.

3. The Department of Pensions and National Health will, in respect of any member of the Forces receiving hospital treatment or institutional care under its control and management, furnish the Department of National Defence with such records and information, and in such manner as the Department of National Defence may from time to time require.

4. For the purpose of carrying out the provisions of these Regulations, the Minister of Pensions and National Health and the Minister of National Defence are each hereby authorized to make such Orders as are mutually arranged, and as are from time to time required.

5. That the cost of such treatment or care furnished by the Department of Pensions and National Health shall be chargeable against funds provided under the War Appropriation Act, 1939.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council amending Pensions and National Health Act, Statutes
1928—hospitalization, Naval, Military and Air Forces

Canada Gazette, 21st October, 1939

P.C. 3005

AT THE GOVERNMENT HOUSE AT OTTAWA

Thursday, the 5th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Section 5, Part I, of the Department of Pensions and National Health Act, Chapter 39 of the Statutes of 1928, provides as follows:

"5. The Minister shall have the management and control of all such matters as are assigned to him from time to time by the Governor in Council, relating in any way to the care, treatment or re-establishment in civil life, of all persons who since the first day of August, one thousand nine hundred and fourteen served in the Naval Military or Air Forces of His Majesty or any of His Majesty's Allies, and to the care of the dependents of such persons."

And whereas Section 6, subsection (I) paragraph (j) of the said Act provides as follows:

"6. (I) (j) subject to the approval of the Governor in Council, the Minister may make such regulations from time to time, as he may deem necessary and advisable, for the purpose of carrying out the provisions of this part with respect to any matter placed under the control and management of the Minister."

And whereas under Order in Council, P.C. 3004, dated October 5, 1939, the treatment in Canada of members of the Naval, Military and Air Forces of Canada on active service has been placed under the control and management of the Minister of Pensions and National Health;

And whereas under Order in Council, P.C. 249, dated September 2, 1939, provision has been made under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, for the awarding of pensions on account of former members of the Naval, Military or Air Forces of Canada on active service under the same terms and conditions as may be awarded on account of former members of the Naval, Military or Air Forces of Canada who served during the Great War;

And whereas the regulations of the Department of Pensions and National Health with respect to the treatment of members and former members of the Forces made under Order in Council, P.C. 91, dated January 16, 1936, as amended, make no provision for the care and treatment of members and former members of the Naval, Military or Air Forces of Canada who serve or have served on active service during the War with the German Reich;

And whereas the Minister of Pensions and National Health is of the opinion that former members of the Naval, Military or Air Forces of Canada who have

served on active service during the War with the German Reich should be placed on a parity in all respects with former members of the Naval, Military or Air Forces of Canada who served during the Great War;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health, is hereby pleased to further amend the regulations established by Order in Council P.C. 91, as follows:

1. Paragraph (h) of Clause I is rescinded and the following substituted therefor:—

“(h) ‘former member of the forces’ means any person who has served in any of the Naval, Military or Air Forces of Canada during the late war or any person who has served on active service in any of such forces during the war with the German Reich.”

2. Paragraph (k) of Clause I is rescinded and the following substituted therefor:—

“(k) ‘military service’ or ‘service’ or ‘served,’ unless the term is qualified, means and includes service in any of the Naval Military or Air Forces of Canada during the late war or active service in any of such forces during the war with the German Reich.”

3. Clause I is further amended by inserting between paragraphs (n) and (o) thereof the following paragraph:—

“(nn) ‘War with the German Reich’ means the war which commenced on the 3rd day of September, 1939.”

4. The following Class is added to Clause 2, immediately after Class 18:—

“Class 19.—A member of the Naval, Military or Air Forces of Canada on active service who requires treatment or institutional care.”

5. The following Class is added to Clause 19, immediately after Class 18 thereof:—

“Class 19.—No allowance or benefits.”

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

(Canada Gazette, October 5, 1939)

GOVERNMENT NOTICE

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA

To all to whom these Presents shall come or whom the same may in anywise concern,

GREETING:

Whereas Regulation 15 of the Defence of Canada Regulations provides that the Secretary of State of Canada may make provision by order for preventing or restricting the publication in Canada of matters as to which he is satisfied that the publication thereof would or might be prejudicial to the safety of the State or the efficient prosecution of the war, and that any such order may contain such incidental and supplementary provisions as may appear to the Secretary of State to be necessary or expedient for the purposes of the order.

And whereas it has been represented to the undersigned that the French language Communist newspaper *Clarté* has been disseminating subversive propaganda in the Province of Quebec.

And whereas the press censors, after careful consideration, have come to the conclusion that immediate action should be taken to prevent the dissemination of this and similar subversive propaganda emanating from the same source.

And whereas the Director of Censorship concurs in the recommendation of the press censors.

Know you that the undersigned, the Acting Secretary of State of Canada, pursuant to the powers vested in him by Regulation 15 of the Defence of Canada Regulations, is pleased to order and doth hereby order that the publication of the French language Communist newspaper, *Clarté* be prohibited.

Dated at the Department of the Secretary of State, at the City of Ottawa, this fourth day of October in the year of Our Lord, one thousand nine hundred and thirty-nine.

ERNEST LAPOINTE,
Acting Secretary of State.

Order in Council respecting naturalization of Enemy Aliens

Canada Gazette, 21st October, 1939

P.C. 3041

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 11th October, 1939.

The Committee of the Privy Council have had before them a report, dated October 5, 1939, from the Acting Secretary of State, representing that section 4 of the Naturalization Act, R.S.C. 1927, Chapter 138, after setting out the qualifications for naturalization, provides—

“The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Minister, and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.”

The Minister states that, in exercising the discretion lodged in him by the provision of the statute above recited, he has, since September 1, 1939, withheld the issue of naturalization certificates to applicants whose applications disclose that they have been German nationals;

The Minister further states that his action in so withholding the issue of certificate is only a temporary measure to enable further investigations and inquiries to be made, so that each case might be considered on its merits;

That it has, however, been reported to him that some Judges hearing naturalization applications and some Clerks of Court dealing with applications have interpreted this action as precluding the consideration by the Courts of all applications for naturalization by enemy nationals, and it seems desirable, to avoid discrimination and conflicting decisions, that the policy of the Department in this respect should be defined and approved by Your Excellency in Council; and

That many enemy aliens residing in Canada are persons who are not in sympathy with the Government and the system of government which have existed in the German Reich during recent years and that many of these people, while technically enemy aliens, are, in effect, refugees, and have expressed an eager desire to assist the cause of Canada in the present war.

The Minister, therefore, recommends that he be authorized to inform the Judges hearing naturalization applications and the Clerks of Court dealing with naturalization applications that applications for naturalization filed by enemy aliens should be received and considered in accordance with the regular practice prescribed by the Naturalization Act and that the fact that the applicant may be an enemy alien is not in itself to be regarded as a reason why the application should not be entertained, since all applications from enemy aliens will be specially and carefully considered in the Department of the Secretary of State before the issue of a certificate will be sanctioned.

The Minister also recommends that the finding of the Judge in each of these cases should indicate, if such be the fact, that the Judge has examined the applicant and has reached the conclusion that the applicant is clearly in sympathy with Canada in the present war and that he has no pro-German or other alien enemy affiliations or connections.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

**Order in Council prohibiting the use or possession of firearms,
ammunition, dynamite—by Enemy Aliens**

Canada Gazette, 21st October, 1939

P.C. 3042

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 11th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports that it is represented that the provisions of sections 119 and 120 of the Criminal Code respectively prohibiting the possession of firearms without a permit by aliens and providing for the issue of such permits by the authority of the Commissioner of the Royal Canadian Mounted Police or of the Attorney General of any province are inadequate at the present time in respect of possession of firearms and explosives by enemy aliens.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under and in virtue of the provisions of section 6 of the War Measures Act, 1914, is pleased to make the following Orders and Regulations for prevention of the use or possession of firearms,

ammunition, dynamite, gunpowder or other dangerous explosive within Canada by enemy aliens, and they are hereby made and established accordingly:—

1. The possession of firearms or any ammunition therefor or of any dynamite, gunpowder or other dangerous explosive within Canada by any enemy alien is prohibited;

2. It shall be the duty of every such person within Canada having in his possession or upon his premises any firearms or any ammunition therefor or any dynamite, gunpowder or other dangerous explosive within ten days from the publication of the ordinance in the *Canada Gazette* to cause such firearm, ammunition, dynamite, gunpowder or other dangerous explosive to be delivered to a justice of the peace residing or to an officer or constable of a police force of a province or city in or near the locality where such firearm, ammunition, dynamite, gunpowder or other dangerous explosive is had in possession or to an officer or constable of the Royal Canadian Mounted Police;

3. Any justice of the peace or any such officer or constable receiving any such firearm, ammunition, dynamite, gunpowder or other dangerous explosive shall give to the person delivering the same a receipt therefor and shall report the fact to the Commissioner of the Royal Canadian Mounted Police under whose direction the property so delivered shall be retained or otherwise disposed of;

4. If any enemy alien within Canada is reasonably suspected of having in his possession or upon his premises any firearm or ammunition therefor dynamite, gunpowder or other dangerous explosive he may be searched or his premises or any place occupied or believed to be occupied by him may be searched by any peace officer or by any officer or constable of the Royal Canadian Mounted Police without warrant and if any firearm, ammunition, dynamite, gunpowder or other dangerous explosive be found upon the person or premises of any such enemy alien or in any such place as aforesaid the same shall be seized and if such search and seizure shall have taken place after the expiration of the period of ten days hereinbefore mentioned the property so seized may be forfeited to the Crown and the person upon whom or upon whose premises or in whose possession any such firearm, ammunition, dynamite, gunpowder or other dangerous explosive is found shall further be liable to a penalty not exceeding Five hundred dollars (\$500) or to imprisonment for any term not exceeding three months;

5. It shall be an offence for any person to give, sell, hire, lease or transfer possession of any firearm, ammunition, dynamite, gunpowder or other dangerous explosive to any enemy alien and any person guilty of any such offence shall be liable to a penalty not exceeding One hundred dollars (\$100) or to imprisonment for any term not exceeding one month;

6. Any offence declared and any penalty or forfeiture imposed or authorized by this ordinance may be prosecuted, recovered or enforced by summary proceedings and conviction under the provisions of Part XV of the Criminal Code;

7. If any question arises under this ordinance or in any proceeding instituted thereunder or with reference to anything done or proposed to be done under the authority thereof as to whether any person is an enemy alien the onus of proof that any person so suspected or charged is not an enemy alien shall lie upon the accused in such proceeding.

(Sgd.) H. W. LOTHROP,

Asst. Clerk of the Privy Council.

Order in Council closing portion of Welland River to navigation

Canada Gazette, 21st October, 1939

P.C. 3060

AT THE GOVERNMENT HOUSE AT OTTAWA

Wednesday, the 11th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of Transport represents that a part of the Welland River is used as the intake and headrace to the Queenston power plant of The Hydro-Electric Power Commission of Ontario which develops electrical energy to the extent of approximately 500,000 horse-power; and

That it is deemed advisable to close to navigation for the duration of the war a portion of the Welland River, as affording easy means of committing sabotage to the said power plant;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and under the provisions of the War Measures Act, is pleased to grant and doth hereby grant authority for the closing to navigation of that portion of the Welland River which extends from the syphon culvert under the Welland Ship Canal, at Welland, Ontario, to the Niagara River, subject to exception in favour of such craft as may be required for maintenance and repair of the said portion of the Welland River and of such craft as may be granted permission by the Attorney-General of Ontario to navigate the said portion of the river.

(Sgd.) H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Order in Council extending time, etc.—mining rights of holders enlisting
with British or Allied Forces

Canada Gazette, 21st October, 1939

P.C. 3065

AT THE GOVERNMENT HOUSE AT OTTAWA

Wednesday, the 11th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas under the several regulations for the disposal of mining rights, the property of the Crown, in the Yukon and Northwest Territories, provision

is made for the payment of rental, the installation of machinery, or the expenditure of certain amounts in prospecting, developing, and operating the location so acquired;

And whereas in case the rental is not paid, the machinery installed, or the prescribed expenditure incurred, the rights acquired under such regulations are subject to immediate forfeiture;

And whereas representations have been made to the Department of Mines and Resources that certain holders of mining rights under the said regulations have been accepted for active service in the defence of the Empire during the present war, and have left or are leaving the country on such service;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources, is pleased to order and it is hereby ordered that any person who may be accepted for and continues in active service in the defence of the Empire during the war, whether with the British or allied forces, and who is the holder of mining rights acquired under the provisions of any of the said regulations, shall be permitted to hold such rights free from the risk of cancellation owing to failure to comply with any of the requirements of the regulations under which the rights were acquired, until six months after his demobilization.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council

**Order in Council granting pardon under certain circumstances to deserters
from Permanent Force—re-enlisting**

Canada Gazette, 21st October, 1939

P.C. 3093

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 12th October, 1939.

The Committee of the Privy Council, on the recommendation of the Minister of National Defence, advise that, in view of the present war and the necessities arising therefrom, pardons be granted those men of the Permanent Force who, on the 10th September, 1939, were in a state of desertion from that Force and who, on or before the 30th November, 1939, surrender themselves in Canada and re-enlist for service in the Canadian Active Service Force; such indulgence, however, not to extend to men who are undergoing imprisonment for other than military offences.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council authorizing purchase of railway equipment,
C.N.R. and C.P.R., re abnormal traffic

P.C. 3105

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 12th October, 1939.

The Committee of the Privy Council have had before them a Joint Report, dated 12th October, 1939, from the Minister of Finance and the Minister of Transport, submitting;

1. That the Canadian National Railway Company (hereinafter called the National Company) and the Canadian Pacific Railway Company (hereinafter called the Pacific Company) have examined their facilities for movement of the abnormal traffic arising out of war conditions and anticipate there will be a large increase in exports and a considerable rerouting of traffic on account of restrictions on shipping;

2. That the National Company and the Pacific Company consider that they can take care of the anticipated movement except in the matter of railway equipment, which is not more than sufficient to meet their normal requirements;

3. That the National Company and the Pacific Company represent that additional railway equipment is urgently required and have requested that the Government of Canada make arrangements to provide such additional railway equipment;

4. That there is no existing authority or appropriation under which the National Company may purchase this railway equipment or under which the Governor in Council may make loans to the National Company for this purpose;

5. That the Pacific Company has represented that in the present disturbed condition of the money market the financing of the necessary expenditures without the aid of the Government of Canada would be costly and difficult;

6. That the Board of Transport Commissioners in a report to the Minister of Transport have indicated that the need of additional equipment by the National Company and the Pacific Company is very acute;

7. That in the opinion of the Ministers it is desirable that the Government of Canada should acquire such equipment as is urgently needed and should lease it to the National Company and the Pacific Company by way of a hire purchase agreement;

8. That under the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, the Governor in Council may do and authorize such acts and things and make from time to time such orders and regulations as he may deem necessary or advisable for the security, defence, peace, order and welfare of Canada and for greater certainty but not so as to restrict the generality of the foregoing the said Act provides that the powers of the Governor in Council shall extend to all matters within certain classes of subjects including the transportation by land, air or water and control of the transport of persons and things; and

9. That in the opinion of the Ministers it is necessary for the security, defence, peace, order and welfare of Canada that assistance as hereinafter provided should be given the National Company and the Pacific Company for the acquisition of railway equipment urgently required.

The Ministers, therefore, recommend that under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927,—

1. The Defence Purchasing Board and/or the War Supply Board, on the requisition of the Minister of Transport, be authorized to enter into negotiations for the purchase on behalf of His Majesty in the right of Canada, of such railway equipment as shall in the opinion of the Board of Directors of the National Company be urgently required and as may be approved by the Min-

ister of Transport, at prices not to exceed in the aggregate \$15,000,000 upon terms to be approved by the Governor in Council.

2. The Minister of Finance be authorized to enter into negotiations with the National Company for the leasing and delivery of such railway equipment to the National Company by way of a hire purchase agreement upon terms to be approved by the Governor in Council.

3. The Defence Purchasing Board and/or the War Supply Board, on the requisition of the Minister of Transport, be authorized to enter into negotiations for the purchase on behalf of His Majesty in the right of Canada of such railway equipment as shall in the opinion of the Board of Directors of the Pacific Company be urgently required and as may be approved by the Minister of Transport at prices not to exceed in the aggregate \$10,000,000 upon terms to be approved by the Governor in Council.

4. The Minister of Finance be authorized to enter into negotiations with the Pacific Company for the leasing and delivery of such railway equipment to the Pacific Company by way of a hire purchase agreement upon terms to be approved by the Governor in Council.

The Ministers further recommend that under the authority of the War Appropriation Act, 1939, the sum of \$7,500,000 be allotted from the Appropriation granted by the said Act for the purposes hereof until further expenditures for these purposes are authorized by Parliament.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council amending Defence Purchasing Board Regulations
P.C. 3109

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 12th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, in view of the emergency created by the sudden illness of the Chairman of the Defence Purchasing Board and his temporary inability to perform the duties of that office, is pleased, on the recommendation of the Minister of Finance and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, and notwithstanding anything contained in The Defence Purchases, Profits Control, and Financing Act, 1939, to order and it is hereby ordered as follows:—

1. The following provisions shall apply to the Defence Purchasing Board in lieu of the provisions contained in subsection (7) of Section 3 of The Defence Purchases, Profits Control, and Financing Act, 1939, namely:—

“Two members of the Board shall constitute a quorum.”

2. In the absence, incapacity, or other inability of the Chairman of the Defence Purchasing Board to perform the duties of his office the Vice Chairman of the Board for the time being shall have and may exercise all the powers, authorities and discretions exercisable by the Chairman of the Board under and by virtue of The Defence Purchases, Profits Control, and Financing Act, 1939, and Order in Council P.C. 2896 dated 27th September, 1939.

3. The provisions of the Order in Council shall have effect on and from October 12, 1939.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council with respect to Civil Service Insurance—War
endorsement re enlisted Civil Servants

P.C. 3114

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 12th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Finance reports:—

1. That the Civil Service Insurance Act, R.S.C., 1927, Chap. 23, provides in section 15 thereof, that the premiums payable on policies issued thereunder shall be based on the H.M. Mortality Table of the Institute of Actuaries of Great Britain, and on a rate of interest of six per centum, no allowance being made for expenses;

2. That there is no provision in the said Act for increasing the premiums computed on the said bases to cover extra hazardous occupations, and, specifically, to cover war risk;

3. That it is the universal practice of private life insurance companies, in time of war, to issue new policies only with a provision for an increase in the premium payable by the insured, or a reduction in the amount payable by the insurer, or both, in the event of the enlistment of the insured for war service in specified forces or territories, or in the event of the death of the insured resulting from war while engaged in other service, travel or flight in specified territories;

4. That the enlistment of substantial numbers of persons insured under the said Act for war service is to be expected and an increase in the normal risk thereunder is inevitable without compensatory increase in the premiums received unless a variation of the premiums and benefits to cover the risk of war is authorized; and

5. That for the foregoing reasons it is desirable that, under the provisions of the War Measures Act, authority be granted for the attachment of an appropriate war endorsement to policies issued on and after a specified date.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under the provisions of the War Measures Act, R.S.C. 1927, Chap. 206, is pleased to grant and doth hereby grant authority for the attachment of a war endorsement in the form of Schedule A hereto, to every policy issued under the Civil Service Insurance Act on and after the first day of September, 1939, and until the termination of the present war, unless notice of the acceptance of the application for such policy was given to the applicant therefor prior to the said first day of September.

His Excellency in Council is hereby further pleased to order:—

1. That the additional premiums payable by the insured under the said endorsement, in default of the payment of which the amount payable under the policy will be reduced, shall, unless and until order is made to the contrary, be those set forth in Schedule B hereto; and

2. That any such order to the contrary shall apply only to policies issued on and after the date thereof or such later date as may be therein specified.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Schedule A

WAR ENDORSEMENT

Attached to and forming part of Civil Service Insurance Policy No.
 on the life of.....

1. This policy is without restriction for military or naval service within Canada, Newfoundland and Continental United States of America; provided, however, that the sum insured under this policy shall be limited to the return of the premiums paid on this policy (other than any extra premiums paid pursuant to this endorsement) accumulated with interest at the rate of 3 per cent per annum compounded annually, in the event that the death of the insured results directly or indirectly from travel or flight in any kind of aircraft while the insured is undergoing aviation training preparatory to, or engaged in, military or naval service within the said areas, unless written notice shall have been given to the Minister of Finance and extra premiums in accordance with Section I of the Table set forth below be paid from time to time during the continuance of such training or military or naval service, the first of such extra premiums to be paid prior to the commencement of such training or service.

2. The sum insured under this policy shall be limited as aforesaid in the event that the death of the insured results directly or indirectly:

(1) from any cause either while the insured is engaged in, or within six months after the termination of, service outside the said areas in the air forces of any country or in aviation training outside the said areas, or;

(2) from any cause either while the insured is engaged in, or within six months after the termination of, service outside the said areas in the military or naval forces of any country (other than death under circumstances described in sub-paragraph (1) hereof) unless written notice be given to the Minister of Finance and extra premiums in accordance with Section II of the Table set forth below be paid from time to time during the continuance of such service, the first of such extra premiums to be paid during the lifetime of the insured and prior to the expiration of ninety days after the date of enlistment for such service or thirty days after becoming engaged in such service, or;

(3) from war (including insurrection) whether declared or not, while the insured although not serving with any military or naval or air forces, travels or resides outside the said areas, unless prior to such travel or residence, written notice shall have been given to the Minister of Finance and extra premiums in accordance with Section III of the Table set forth below be paid from time to time during such travel or residence, the first of such extra premiums to be paid on or before departure from the said areas.

TABLE OF EXTRA PREMIUMS

Extra Premiums Payable under this Endorsement for the Risks herein specified.

Section I—Aviation Service within Canada, Newfoundland and Continental United States of America (See paragraph 1 above).

1. Groundsmen such as Mechanics, Repair Men, etc...	\$	per \$1,000 per month
2. Pilots in training.....		per \$1,000 per month
3. Experienced Pilots, viz., those with 300 or more flying hours—		
(a) Non-commissioned Pilots		per \$1,000 per month
(b) Pilot Officers		per \$1,000 per month
(c) Flying Officers		per \$1,000 per month
(d) Flight Lieutenants		per \$1,000 per month
(e) Squadron Leaders.		per \$1,000 per month
(f) Wing Commanders		per \$1,000 per month
4. Crew, Observers or Photographers.....		per \$1,000 per month

Schedule A (Continued)

Section II—Military or Naval Service outside Canada, Newfoundland and Continental United States of America (See paragraph 2 (2) above).

1. All Military Service other than Aviation Services except the Army Medical Corps..... \$ per \$1,000 per month
 NOTE—For the present members of the Military Service may be covered while in Bermuda without payment of an extra premium.
2. Army Medical Corps except Nurses..... per \$1,000 per month
 NOTE—Doctors or Surgeons in the Army Medical Corps attached to base hospitals for special duties may be covered while in Great Britain upon payment of an extra premium of \$.... per \$1,000 per month
3. Nurses per \$1,000 per month
4. All Naval Service..... per \$1,000 per month

Section III—Civilian Travel and Residence outside Canada, Newfoundland and Continental United States of America (See paragraph 2 (3) above.)

1. Travel to or residence in Bermuda, the West Indies and South America No extra premium.
2. Travel or residence otherwise than described in part I of this section..... \$ per \$1,000 per month, depending on the length of travel or residence, number of trips, etc.

NOTE—Change in Classification or Rank of Service will call for payment of the extra premium attaching to the new Classification or Rank.

Subject to such conditions as the Minister of Finance may prescribe, the extra premium may be paid in respect of such portion of the full amount of the policy as the insured may elect.

Schedule B

TABLE OF EXTRA PREMIUMS

Extra Premiums Payable under this Endorsement for the Risks herein specified.

Section I—Aviation Service within Canada, Newfoundland and Continental United States of America. (See paragraph 1 above.)

1. Groundsmen such as Mechanics, Repair Men, etc..... \$.85 per \$1,000 per month
2. Pilots in training..... 5.00 per \$1,000 per month
3. Experienced Pilots, viz., those with 300 or more flying hours—
 - (a) Non-commissioned Pilots. \$3.35 per \$1,000 per month
 - (b) Pilot Officers. 3.35 per \$1,000 per month
 - (c) Flying Officers. 2.90 per \$1,000 per month
 - (d) Flight Lieutenants. 2.10 per \$1,000 per month
 - (e) Squadron Leaders. 1.65 per \$1,000 per month
 - (f) Wing Commanders. 1.25 per \$1,000 per month
4. Crew, Observers or Photographers..... 2.90 per \$1,000 per month

Section II—Military or Naval Service outside Canada, Newfoundland and Continental United States of America. (See paragraph 2 (2) above.)

1. All Military Service other than Aviation Services except the Army Medical Corps..... 7.50 per \$1,000 per month
 NOTE—For the present members of the Military Service may be covered while in Bermuda without payment of an extra premium.
2. Army Medical Corps except Nurses..... 3.35 per \$1,000 per month
 NOTE—Doctors or Surgeons in the Army Medical Corps attached to base hospitals for special duties may be covered while in Great Britain upon payment of an extra premium of \$.85 per \$1,000 per month.

Schedule B (Continued)

3. Nurses.	2.10 per \$1,000 per month
4. All Naval Service.	4.15 per \$1,000 per month
Section III—Civilian Travel and Residence outside Canada, Newfoundland and Continental United States of America. (See paragraph 2 (3) above.)	
1. Travel to or residence in Bermuda, the West Indies and South America.	No extra premium
2. Travel or residence otherwise than described in part I of this section.	\$.85 per \$1,000 per month, depending on the length of travel or residence, number of trips, etc.

NOTE—Change in Classification or Rank of Service will call for payment of the extra premium attaching to the new Classification or Rank.

Subject to such conditions as the Minister of Finance may prescribe, the extra premium may be paid in respect of such portion of the full amount of the policy as the insured may elect.

Order in Council appointing Coal Administrator

Canada Gazette, 28th October, 1939

P.C. 3117

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 18th October, 1939.

The Committee of the Privy Council have had before them a report, dated 12th October, 1939, from the Minister of Labour stating that he has received representations from the Wartime Prices and Trade Board to the effect:

(1) That past experience has shown that the production, importation and distribution of coal and other solid fuels in time of war is beset with special difficulties and problems, and, if the public interest is to be adequately served, require careful supervision;

(2) That with the approach of winter, and in the light of possible fluctuations in exchange rates and possible interference with production in and shipments from both the United Kingdom and the United States, public unrest is already developing with respect to the assurance of reasonable prices, adequate supplies and equitable distribution of coal;

(3) That large numbers of Canadian householders are dependent upon regular supplies of anthracite coal from the United Kingdom; and that it will be necessary in the near future to arrange for the assurance of adequate supplies for the season of 1940-41;

The Minister, now, therefore, on the advice of the Wartime Prices and Trade Board, recommends:

1. That the appointment by the Wartime Prices and Trade Board of James McGregor Stewart, Esquire, K.C., of Halifax, Nova Scotia, to be Coal Administrator be approved; and that he be responsible, in co-operation with the industries and trades concerned and under the direction of the Board, for the conduct of negotiations with United Kingdom authorities for the export of coal and other solid fuels to Canada; in co-operation with the provinces concerned, for maintaining and stimulating where necessary the production of Canadian coal and other solid fuels; for the supervision of the purchase, shipment, distribution and allocation of coal, coke and other solid fuels, whether domestic or imported, and for such other duties as may be assigned to him by the Board.

2. That the recommendation of the Wartime Prices and Trade Board that the said James McGregor Stewart shall receive a salary of one dollar per annum and his actual travelling expenses and a living allowance of twenty dollars per diem while absent from his place of residence in connection with the duties aforesaid, be approved.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP
Asst. Clerk of the Privy Council.

**Order in Council regulating discharge to pension of Naval Officers
and ratings**

Canada Gazette, 21st October, 1939

P.C. 3119

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 12th day of October, 1939.

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under authority of Section 3 of the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, is pleased to approve the following Regulation and it is hereby approved accordingly:

REGULATION

Naval Officers and Ratings—Discharge to Pension

Notwithstanding any provision in the Militia Pension Act, Chapter 133 Revised Statutes of Canada 1927 or other act of the Parliament of Canada, officers and ratings of the Royal Canadian Navy shall not during the present period of hostilities be entitled to claim discharge to Pension as a right.

(Effective 1st September, 1939).

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

**Order in Council authorizing increase in strength of Royal Canadian
Air Force**

P.C. 3122

AT THE GOVERNMENT HOUSE AT OTTAWA

Thursday, the 12th day of October, 1939.

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of National Defence reports that in order to make provision for the necessary units and formations of the Royal Canadian Air Force, and for the training, technical and administrative establishments needed to maintain the same, an increase in the authorized strength of the Royal Canadian Air Force is necessary;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased to order, and it is hereby ordered as follows:—

1. The War strength of the Royal Canadian Air Force, including the Permanent Active Air Force, the Auxiliary Active Air Force and the Special Reserve Royal Canadian Air Force, shall be such as is from time to time required to meet the needs of the Service, but shall not exceed 1,500 Officers and 15,000 Airmen.

2. The organization and localization of formations and units of the Royal Canadian Air Force as a whole, shall be as from time to time authorized by the Minister of National Defence.

3. The strength and composition of each formation or unit authorized by the Minister of National Defence under paragraph 2 aforesaid, shall be such as the exigencies of the service and air force considerations of the moment require.

Provided, however, that:—

- (i) The total number of Officers and Airmen on the strength of the said formations and units shall not exceed the strength authorized in paragraph 1 aforesaid, and
- (ii) The total number of Officers and Airmen appointed to or enlisted in the Permanent Active Air Force and the Auxiliary Active Air Force shall not exceed the number of Officers and Airmen authorized by the Peace Establishments of the Permanent Active Air Force and Auxiliary Active Air Force, respectively.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council regulating manufacture and export of fertilizers

Canada Gazette, 21st October, 1939

P.C. 3124

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 12th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Agriculture reports that he has received the following representations from the Agricultural Supplies Committee:

1. That it is important that steps be taken immediately to ensure an adequate supply of chemical fertilizers for field and garden crop production in Canada during the period of the war;

2. That supplies of potash salts essential for fertilizer purposes will be difficult to maintain owing to the discontinuance of normal export from Europe;

3. That the discontinuance of normal exports from Europe is resulting in increased world demand for fertilizer materials of United States production and is already disrupting importation into Canada of essential fertilizer supplies from the United States;

4. That present rates of exchange are conducive to excessive export of fertilizer supplies now on hand in Canada, some of which were originally imported at prices much lower than those now ruling; and

5. That, in order to conserve essential fertilizer materials and to ensure their effective use in crop production, it is desirable that manufacture and

distribution in Canada of mixed or complete fertilizers be reduced in number to analyses recommended by Provincial Fertilizer Boards;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under and by virtue of the powers in that behalf conferred on the Governor in Council by the War Measures Act, 1914, is pleased to order and it is hereby ordered as follows:—

1. Until further notice licences for export from Canada of fertilizers of every kind and analysis, with the exception of calcium cyanimide, shall be withheld unless recommended by the Minister of Agriculture;

2. Under the Fertilizers' Act, the registration of fertilizers for field and commercial garden crops and the issuing of prescriptions for the manufacture and sale of fertilizers shall be confined to the analyses required for such crops in each Province as recommended by the Advisory Fertilizer Board or Council of the Province and approved by the Provincial Minister of Agriculture.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council protecting mining rights under Yukon Quartz and Placer Mining Acts—of holders enlisting with British or Allied Forces

Canada Gazette, 11th November, 1939

P.C. 3136

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 18th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under the provisions of the War Measures Act, Chapter 206, R.S.C. 1927, the Governor General in Council may do and authorize such acts and things, and make from time to time such orders and regulations, as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary or advisable for the security, defence, peace, order and welfare of Canada;

And whereas under the Yukon Quartz and Placer Mining Acts for the disposal of quartz and placer mining rights, the property of the Crown, in the Yukon Territory, provision is made for the expenditure of certain amounts in prospecting, developing and operating the location so acquired;

And whereas in case the prescribed expenditure is not incurred, the rights acquired under such Acts are subject to immediate forfeiture;

And whereas representations have been made to the Department of Mines and Resources that certain holders of mining rights acquired under the said Acts have been accepted for active service in the defence of the Empire during the present war, and have left or are leaving the country on such service;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources, is pleased to order and it is hereby ordered that any person who may be accepted for and continues in active service in the defence of the Empire during the war, whether with the British or allied forces, and who is the holder of mining rights acquired under the provisions of either of the said Acts, shall be permitted to hold such rights free from the risk of cancellation owing to failure to comply with any of the requirements of the Acts under which the rights were acquired, until six months after his demobilization.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council amending Defence of Canada Regulations—
penalties for offences.

Canada Gazette, 11th November, 1939

P.C. 3139

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 18th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas paragraph 2 of regulation 63 of the Defence of Canada Regulations, made by P.C. 2483 dated 3rd September, 1939, gives to the Attorney General of Canada the right to elect as to whether a person charged with committing an offence against the said Regulations shall be prosecuted upon indictment instead of on summary conviction;

And whereas the Minister of Justice reports that it is considered advisable to give this right of election also to the Attorney General of the province in which a person is charged as aforesaid;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to order that paragraph 2 of regulation 63 of the Defence of Canada Regulations be and it is hereby revoked and the following paragraph substituted therefor:—

“(2) Where no specific penalty is provided, such person shall be liable on Summary Conviction to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months, or to both fine and imprisonment; but such person may, at the election of the Attorney General of Canada or of the Province, be prosecuted upon indictment, and if convicted shall be liable to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding five years, or to both fine and imprisonment.”

(Sgd). H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council amending Regulations—War Supply Board

Canada Gazette, 11th November, 1939

P.C. 3174

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2696 dated September 15, 1939, (hereinafter called the Order) the War Supply Board (hereinafter called the Board)

was authorized to be created and the constitution, powers, duties and regulations under which the Board would act were established;

And whereas the Minister of Finance reports that it is desirable to make certain amendments in the Order and also to prescribe the procedure to be followed in making requisitions to the Board for the purchase of munitions of war or supplies or for the carrying out of defence projects so that the public interest may be protected and at the same time contracts for such purchases and defence projects may be made expeditiously and efficiently;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is pleased, notwithstanding the provisions of any other statute or law, to amend the Order and it is hereby amended as follows:

1. Paragraphs (d) and (e) of Section 1 of the Order are struck out and the following substituted therefor:

“(d) “Supplies” includes materials, equipment, ships, aircraft, automotive vehicles, animals, goods, stores and articles or commodities of every kind including, but not restricting the generality of the foregoing (i) articles and equipment which, in the opinion of the Board, would be essential for the needs of the Government or of the community in war; and (ii) anything which, in the opinion of the Board, is, or is likely to be, necessary for or in connection with the production, storage or supply of any such article as aforesaid;

(e) “Defence projects” includes the construction, erection, repair, improvement, maintenance or extension of buildings, airdromes, airports, dockyards, roads, defence fortifications or other naval, military or air force works.”

2. Subsection (6) of Section 2 of the Order is struck out and the following substituted therefor:—

“(6) Members of the Board in receipt of a salary fixed by the Governor in Council shall be entitled to receive and be paid their actual disbursements for living and travelling expenses necessarily incurred by them while absent from Ottawa in connection with the discharge of their duties. Members of the Board not in receipt of salary shall, in addition to their actual travelling expenses necessarily incurred by them while absent from their customary places of residence, be entitled to receive and be paid while absent from their customary places of residence in connection with the discharge of their duties such allowance for living expenses as the Governor in Council, on the recommendation of the Minister, may from time to time determine.”

3. Subsection (8) of Section 2 of the Order is struck out and the following substituted therefor:—

“(8) The headquarters of the Board shall be at Ottawa.”

4. Section 4 of the Order is amended by adding the following sentence at the end thereof:—

“In the performance of the duties conferred upon the Board hereunder, the Board shall have power from time to time to determine, and from time to time to change, the persons by whom and the manner in which, contracts and other documents or instruments in writing are or may be negotiated and executed.”

5. Section 5 of the Order is struck out and the following substituted therefor:—

"5. (1) It shall be the duty of the Board to examine into and organize the resources of Canada and the sources of supply and the agencies available for the supply of munitions of war and supplies and for the execution and carrying out of defence projects, and to investigate the needs present and prospective of the Government and the community in respect thereto, and to do what the Board may consider practicable to insure a proper allotment of such munitions of war to such agencies as may require same and to recommend to the Minister, and if approved by him to carry into effect, such measures as it may consider necessary with the object of insuring as far as possible that the requirements of the Government of Canada for supplies and munitions of war for the present and future shall be available in such quantity and at such times as the exigencies of the occasion may require.

(2) In carrying out the provisions of this Order the Board may make use of the services of any board, agency or association or of any department of the Government.

(3) The Board shall have,—

(a) authority to procure, purchase and acquire munitions of war and supplies which may be required by the Government of Canada and to procure the execution and carrying out of defence projects for, during or respecting the present war, and to enter into contracts therefor and in respect thereof on behalf of His Majesty in right of Canada including, but without restricting the generality of the foregoing, contracts for the repair, maintenance and servicing of munitions of war and supplies;

(b) authority to control or supervise and, if authorized by the Governor in Council, to procure, purchase and acquire and enter into contracts for the procuring, purchasing or acquisition of munitions of war and supplies for any of His Majesty's Governments or for the Government of any Allied or Associated Power;

(c) exclusive authority to exercise the authority set out in paragraph (a) of this subsection with respect to munitions of war and supplies and defence projects which may be required by the Department of National Defence, excepting however (i) munitions of war or supplies manufactured in an arsenal or factory owned or operated by the Government of Canada and (ii) defence projects carried out by persons in the employ of His Majesty in right of Canada and (iii) such munitions of war or supplies as the Board at the request or with the approval of the Minister of National Defence and with the approval of the Minister, for reasons of practicability or otherwise, requests the Department of National Defence by either a specific or a general request to procure, purchase, or acquire, and (iv) such defence projects as the Board at the request or with the approval of the Minister of National Defence and with the approval of the Minister, for reasons of practicability or otherwise, requests the Department of National Defence by either a specific or a general request to procure the execution of and to carry out.

(4) In respect of all contracts to be entered into by the Board on behalf of His Majesty in right of Canada, the following regulations shall apply:

(a) requisitions shall be made by the Department of the Government of Canada concerned to the Board for the purchase of any munitions of war or supplies or for the carrying out of any defence projects, and a copy of each such requisition shall concurrently be sent to an officer of the Department of Finance designated by the Minister;

(b) such requisitions shall state the estimated cost of the munitions of war or supplies or the defence projects as the case may be;

(c) requisitions shall be signed in accordance with the following provisions:

(i) if the requisition involves an estimated expenditure not exceeding \$5,000 the requisition shall be signed by the Minister or the Deputy Minister or an Acting Deputy Minister of the Department concerned or by such other officer or officers of the Department as the Minister of such Department may authorize;

(ii) if the requisition involves an estimated expenditure exceeding \$5,000 but not exceeding \$50,000 the requisition shall be signed by the Minister or the Deputy Minister or an Acting Deputy Minister of the Department concerned;

(iii) if the requisition involves an estimated expenditure exceeding \$50,000 the requisition shall be signed by the Minister of the Department concerned;

(d) tenders shall be called for and purchases shall be made and defence projects carried out by contracts given to the lowest tenderer, except in cases where in the opinion of the Board it is impracticable or not in the public interest to call for tenders or not in the public interest to let the contract to the lowest tenderer;

(e) in cases where the amount involved in any proposed contract exceeds \$5,000 the proposed contract shall not be entered into until authority to do so has been granted by the Governor in Council on the recommendation of the Minister after a report made by the Board to the Minister setting out

the nature and major particulars of the contract;

the method of arriving at the contract price;

the extent to which opportunity was given to probable suppliers to submit prices;

the reasons why tenders were not called for or why the lowest tender was not recommended, if either is the case; and

the opinion of the Board as to the course taken being in the public interest and as to the price and terms being fair and reasonable.

(f) in cases where the amount involved in any proposed contract does not exceed \$5,000 the Board may enter into such proposed contract without authority from the Governor in Council other than that conferred hereby but shall previously to, or forthwith upon, entering into any such contract make a report to the Minister setting out particulars and information similar to those to be set out in the report to the Minister as prescribed in paragraph (e) of this subsection;

(g) in the case of extras or other allowances or of variations, alterations, or modifications to or of any contract by reason of which the total amount of the expenditure involved will exceed the amount of expenditure involved in the original contract, the regulations contained in paragraphs (a) to (f) inclusive of this subsection shall apply *mutatis mutandis*, having regard to the amount of such excess;

(h) the regulations set forth in the foregoing paragraphs (e), (f) and (g) of this subsection may be departed from by the Board, with the approval of the Minister, in any particular or particulars only in exceptional cases which, in the opinion of the Board, the Minister of the department concerned, and of the Minister, are of extreme urgency.

(5) The Board shall assume and take over all the contracts made by or with the Defence Purchasing Board and the work of that Board as from a date to be fixed by Order in Council and shall have the same power and

authority in respect of such contracts as is or but for the provisions of this Order would have been possessed by the Defence Purchasing Board with respect thereto, including, without in any way limiting the generality of the foregoing, power and authority to enter into on behalf of His Majesty in right of Canada any contract which the Governor in Council has authorized that Board to enter into but which has not been entered into at or prior to the assumption or taking over by the Board of the work of that Board as aforesaid. In addition the Board shall have the same power and authority to supervise and complete the performance of, amend, vary, alter or modify any contract entered into by that Board or accept any tender or offer made to that Board as agent or otherwise as if the said contract had originally been entered into by the Board or as if the said tender or offer, as the case may be, had originally been made to the Board."

6. Subsection (1) of Section 7 of the Order is amended by striking out the words "these regulations" where they appear therein and substituting therefor the words "this Order."

7. Subsection (6) of Section 7 of the Order is struck out and the following substituted therefor:—

"(6) Where directions are given to any person under this Section then the compensation if any to be paid in addition to any price or remuneration which would have been payable if the directions had not been given shall be such as may be agreed between that person and the Board or in default of agreement the claim for compensation shall be referred by the Minister of Justice to the Exchequer Court or to a superior or county court of the province within which the claim arises or to a judge of any such court."

8. Subsection (7) of Section 7 of the Order is struck out and the following substituted therefor:

"(7) Where the failure to fulfil any contract, whether made before or after the coming into force of this Order, is due to the compliance on the part of any person with any directions given by the Board under this Section, proof of that fact shall be a good defence to any action or proceeding in respect of the failure."

9. Subsection (5) of Section 8 of the Order is struck out and the following substituted therefor:

"(5) Where directions are given to any person under this Section for the storage of any munitions of war or supplies, the compensation for such storage shall be such as may be agreed between that person and the Board or in default of agreement the claim for compensation shall be referred by the Minister of Justice to the Exchequer Court or to a superior or county court of the province within which the claim arises or to a judge of any such court."

10. Section 9 of the Order is struck out.

11. Section 10 of the Order is renumbered Section 9 and subsection (2) thereof is struck out and the following substituted therefor:

"(2) If the Board is satisfied that the records kept by any such person as aforesaid are insufficient to enable a fair and reasonable price of any munitions of war or supplies to be determined, or a fair and reasonable remuneration for the storage of any munitions of war or supplies, as the case may be, or carrying out of the defence project in question to be determined, it may direct that person to keep such records as may be specified in the directions."

12. Sections 11 and 12 of the Order are renumbered Sections 10 and 11, respectively.

13. Section 13 of the Order is renumbered Section 12 and subsection (2) thereof is struck out and the following substituted therefor:—

“(2) Where the person carrying on an undertaking proves to the satisfaction of the Board that directions given under this section in respect of that undertaking have been complied with within the period specified therein, or such further period as the Board may allow, there shall be paid to that person by the Board, subject to the approval of the Minister such compensation as may be agreed between that person and the Board but such compensation shall not exceed an amount equal to the appropriate proportion of the expenditure of a capital nature which appears to the Board to have been reasonably incurred in complying with the directions and in default of agreement the claim for compensation shall be referred by the Minister of Justice to the Exchequer Court or to a superior or county court of the province within which the claim arises or to a judge of any such court.”

14. Section 14 of the Order is renumbered Section 13.

15. Section 15 of the Order is renumbered Section 14 and is further amended by striking out the words “these regulations” wherever they occur and substituting therefor the words “this Order.”

16. Section 16 of the Order is struck out.

17. Sections 17, 18, 19, 20 and 21 of the Order are renumbered Sections 15, 16, 17, 18 and 19 respectively.

H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Order in Council regulating sale of Codeine

Canada Gazette, 11th November, 1939

P.C. 3183

AT THE GOVERNMENT HOUSE AT OTTAWA

Wednesday, the 18th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under the provisions of Order in Council P.C. 2635, dated September 11th, 1939, preparations containing narcotics may only be purchased by the public on prescription;

And whereas the Minister of Pensions and National Health reports that representations have been made by the associations representing Canadian wholesale and retail druggists to the effect that a particularly heavy loss to both wholesale and retail druggists will ensue from the resulting comparative unsale-

ability of the stocks of certain cough preparations containing codeine, already manufactured and on their shelves; and

That the small codeine content of such preparations is of little value from the conservation end, while from the medical standpoint there is no objection to a temporary relaxation of the regulations in relation to the particular type of cough preparation aforementioned.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health, and under and by virtue of the War Measures Act, 1914, and notwithstanding anything to the contrary contained in any other Act or Regulation, is pleased to make the following regulations amending the provisions of the aforementioned Order in Council P.C. 2635, and they are hereby made and established accordingly.

REGULATIONS

1. The provisions of Regulation 2 of Order in Council P.C. 2635, dated September 11th, 1939, shall not apply during the period from November 1st, 1939, to February 29th, 1940, with respect to present stocks of cough preparations containing, amongst other medicinal ingredients, a quantity of codeine not exceeding one-half grain per fluid ounce.

2. During the period from November 1st, 1939, to February 29th, 1940, such cough preparations aforesaid as have already been manufactured may be sold by both wholesale and retail druggists without the production of a prescription.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council amending Nova Scotia Apple Agreement

P.C. 3187

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 18th October, 1939.

The Committee of the Privy Council have had before them a report, dated October 17, 1939, from the Minister of Agriculture, submitting that, as a result of representations made by the Agricultural Supplies Committee, it appears to be desirable that the form of agreement to be entered into for the processing of apples grown in Nova Scotia be amended in certain respects.

The Minister, therefore, recommends that under and by virtue of the powers conferred by the War Measures Act he be authorized to enter into agreements with processors of apples carrying on business in Nova Scotia in the form annexed hereto in lieu of the form of agreement authorized by Order in Council P.C. 2853 dated September, 1939.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

MEMORANDUM OF AGREEMENT made this
of

day
1939.

BETWEEN:

of

in the Province of Nova Scotia, hereinafter called the "Manufacturer"

OF THE FIRST PART

and

His Majesty the King in the right of Canada, hereinafter represented by the Honourable the Minister of Agriculture, hereinafter called the "Minister"

OF THE SECOND PART

Whereas the Minister has been authorized by the Governor in Council (P.C. 3187) to enter into agreements with manufacturers for the conservation of surplus apples of certain varieties, grades and sizes grown in Nova Scotia by processing the same upon certain terms as to the disposition of the manufactured product.

And whereas the manufacturer has agreed to process apples upon the terms authorized.

Now, therefore, in consideration of these presents the parties hereto covenant and agree each with the other as follows:

1. The manufacturer agrees,—

(a) to purchase for processing and to accept delivery from a Central Selling Agency (which has entered into an agreement with the Minister for the marketing of the entire crop of apples of certain varieties, grades and sizes grown in Nova Scotia in the year 1939), apples of the aforesaid varieties, grades and sizes as required to keep his plant operating to the full extent of its present capacity unless or until the Minister may otherwise direct. Subject as hereinafter provided the manufacturer shall accept all varieties of apples of the grades and sizes mentioned in paragraph (e) hereof as they become available on the market: Provided, however, that the manufacturer shall refuse to accept delivery for canning or drying of apples of other grades or sizes aforesaid or any apples without government inspection certificates as to quantity, variety, grade and size or which have become unsuitable by reason of condition for canning or drying or which are delivered in barrels containing less than one hundred and thirty pounds net weight or in barrels which are not full when delivered; and provided further that the manufacturer shall refuse to accept delivery of apples from any person named in any written notification from the Department of Agriculture to the effect that such person has misrepresented the variety, grade or size or the quantity of any lot of apples;

(b) immediately on the signing of these presents to commence the processing and packing of apples, whether by drying or canning, according to approved manufacturing methods and so as to produce, generally, canned and dried apples of grade not less than "Choice Quality" as established by regulations under the Meat and Canned Foods Act; to permit at all reasonable times an inspector representing the Minister to inspect the manufacturer's plant and premises to assure himself that the processing is being done in the best manner available, and the Minister may if an inspector reports that the manufacturer's output is grading substantially or persistently below the provincial average proportion of "Choice Quality," suspend or cancel this agreement or penalize the manufacturer by deducting the allowance payable under paragraph (d) of Clause 2 hereof in respect of all output graded below "Choice Quality";

(c) to process and pack each of the following varieties of apples separately;

Stark	Ribston	Greening
Baldwin	Golden Russet	Northern Spy
Gravenstein	King	Wolf River
Ben Davis	Blenheim	Fallawater
Gano	Nonpareil	Wagner

(d) to process and pack the following varieties of apples:

McIntosh	Royal Russet	Rome Beauty
Cox Orange	Fameuse	Salome
Baxter	Jonathan	Spitzenberg
Canadian Baldwin	King George	Winesap
Cooper Market	Lawfam	York Imperial
Delicious	Linda	Hubbardston
	Macoun	

together with any other unnamed varieties of comparable manufacturing quality.

(e) to pay to a Central Selling Agency approved by the Minister the following prices according to grade and size:

No. 1 grade, 2½" up.....	\$1.69 per barrel
No. 1 grade, 2¼"-2½".....	\$1.51 per barrel
Domestic, 2½" up.....	\$1.24 per barrel
Domestic, 2¼"-2½".....	\$1.03 per barrel

provided that in the case of the unnamed varieties mentioned in paragraph (d), each of the above-mentioned prices shall be reduced by twenty-five cents per barrel. Payment shall be made on or before November 5, 1939, for apples delivered up to and including October 31, and monthly thereafter on or before the fifth day of the month;

(f) to accept for processing at his plant fall varieties (Gravenstein, Blenheim and Ribston) only as required for prompt processing, and to accept such quantities of other varieties for storage at his plant as cannot be stored in any available packing plant; provided, however, that the manufacturer shall not accept delivery of apples to be held out-of-doors in excess of what can be processed by January 1, 1940; and provided further that after January 1, 1940, no apples shall be accepted for processing in excess of the capacity of the plant to manufacture promptly;

(g) to insure and keep insured all processed products in storage until the same are sold or delivered as directed by the Minister as herein provided;

(h) to maintain proper accounting records including vouchers, payrolls and invoices to show all items of expense incurred and forming any part of the costs incurred for processing; to keep stock records of apples received for processing supported by inspection certificates of the Department of Agriculture, records of the processed products in stock and sales thereof and such other records as may be required by the Minister of Finance to support transactions under this contract, and to make available to a representative of the Minister of Finance all accounting and other records for inspection and audit;

(i) to report to the Minister within five days after the end of each calendar month the total quantity of apples accepted for processing according to varieties, grades and sizes thereof, the quantity of canned or dried apples processed during the said month and the expenditure incurred during the month for processing;

(j) to use his best endeavours to sell the goods as processed by him at prices not less than minimum prices approved by the Minister and to sell and deliver the whole or any part of the goods processed at such time and place and at such price and to such person including the Minister as the Minister may direct and shall be entitled to be paid by the Minister in accordance with the terms of clause 2 hereof, provided that the manufacturer shall sell and deliver to the Minister all processed goods remaining on hand on May 15, 1940.

2. Upon the production of satisfactory records and statements of account the Minister agrees to pay to the manufacturer the sum of the following amounts,—

(a) the amount paid to the Central Selling Agency for apples purchased for processing in accordance with the terms of this agreement;

(b) the actual cost paid or incurred by the manufacturer of delivering or trucking the said apples to his plant but not in excess of ten cents per barrel of apples so delivered;

(c) the amount of the direct processing cost of all apples processed by the manufacturer under the terms of this agreement, which direct processing cost shall be computed as provided for in subsection (3) of this clause;

(d) an allowance per barrel of apples processed by the manufacturer under the terms of this agreement equal to 7 per centum of the sum of (a) and (c) above, to cover overhead and other general expenses incurred by the manufacturer under the terms of this agreement not otherwise provided for herein and to provide for a return on his investment;

(e) an amount to cover actual out-of-pocket expenditures incurred for storage and insurance of processed products stored until sold or delivered to the Minister as herein provided and in the case of processed products stored in suitable premises not heretofore used for such purpose an allowance for rental of such storage space, such allowance however to be in the absolute discretion of the Minister;

(f) an allowance for selling expenses equal to 5 per centum of the amount of any sales of products processed under the terms of this agreement made by the manufacturer to any person other than the Minister; and

(g) as an efficiency bonus in respect of the output of dried apples in excess of thirteen pounds per barrel of fresh fruit or/and of canned apples in excess of eleven one-gallon tins per barrel of fresh fruit, an allowance in respect of the whole of such excess equal to one-half the weighted provincial average processing cost (computed as provided for in subsection (3) of this clause); provided however that this allowance together with any allowance authorized to be paid the manufacturer by subsection (3) aforesaid shall not exceed one-half the allowance payable under paragraph (d) of this clause; less the amount of any sales of products processed under the terms of this agreement made by the manufacturer, and less a deduction to be made by the Minister if the manufacturer produces less than ten one-gallon tins of canned apples or twelve pounds of dried apples per barrel of fresh fruit, such deduction to be made from the allowance on account of the purchase price of fresh fruit delivered to his plant proportionate to the shortage aforesaid and to be calculated by reference to the average price of all fresh fruit purchased by the manufacturer from or through the Central Selling Agency, and less a further deduction to be made by the Minister of the amount whereby minimum prices approved by the Minister exceed the sale prices of goods processed hereunder sold by the manufacturer, provided that no such deduction shall be made in the case of goods delivered pursuant to bona fide contracts entered into prior to 21st day of September, 1939.

2. The Minister shall each month (commencing in November, 1939) on or before the twentieth day thereof pay to the manufacturer the amount paid

out by the manufacturer in the next preceding month to the Central Selling Agency for apples purchased for processing in accordance with the terms of this agreement less all moneys received during the said month by the manufacturer for the sale of dried or/and canned apples.

(3) For the purposes of this agreement, the manufacturer's direct processing cost shall be computed by the Minister of Finance on the basis of the actual out-of-pocket expenditures for labour, manufacturing materials other than apples, minor repairs and parts, for all apples dried and canned respectively under the terms of this agreement and of agreements identical in terms entered into with all other manufacturers, divided respectively by the number of pounds of dried apples or the number of one-gallon tins of canned apples as the case may be, and the resultant average unit cost shall be applied to the total quantity of dried or/and canned apples processed by the manufacturer for the purpose of determining the amount of direct processing cost payable under the terms of paragraphs (c) and (d) of subsection (1) of this clause; provided that if the direct processing cost of the manufacturer should be lower or higher than the weighted provincial average then for the purpose of calculating the amounts referred to in paragraphs (c) and (d) of subsection (1) of this clause the weighted provincial average shall be adjusted downwards or upwards as the case may be by one-half of the amount by which the direct processing cost of the manufacturer is lower or higher than the weighted provincial average.

(4) It is understood and agreed as follows:

(a) If the proceeds from the sale of processed products exceeds the cost of fresh fruit together with the processing costs and allowances to the manufacturer as provided herein, the excess shall be paid to the Central Selling Agency for distribution to growers on a pro rata basis.

(b) In the event of there being any dispute between the parties hereto with respect to any matter arising under this agreement the decision of the Minister shall be final and binding.

(c) Pursuant to the provisions of the Statute in such case made and provided, no Member of the House of Commons of Canada shall be admitted to any share or part of this contract, or to any benefit to arise therefrom.

In witness whereof the parties hereto have hereunto set their hands and seals.

.....
Manufacturer.
.....
Minister of Agriculture.

Order in Council regulating purchase and importation of sugar
Canada Gazette, October 28, 1939

P.C. 3223

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 21st day of October, 1939.

PRESENT:

The Deputy of
HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL:

Whereas on September 18, 1939, an agreement was entered into with the United Kingdom Sugar Control Board for the supply of Canadian requirements of raw sugar on certain terms;

And whereas on October 3, 1939, the appointment by the Wartime Prices and Trade Board of S. R. Noble, Esquire, as Sugar Administrator with authority to arrange for supplies of sugar to be imported into Canada, and for the supervision of such business was approved;

And whereas it is now deemed necessary to make regulations governing the purchase and importation of sugar by the Wartime Prices and Trade Board through the agency of the Sugar Administrator aforesaid;

Now, therefore, the Deputy of His Excellency the Governor in Council, on the recommendation of the Minister of Labour and pursuant to the powers conferred by the War Measures Act or otherwise, is pleased to make the annexed Regulations respecting sugar and they are hereby made and established accordingly.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

REGULATIONS RESPECTING SUGAR

1. The Wartime Prices and Trade Board, acting through the agency of the Sugar Administrator, shall have power to acquire by purchase from the United Kingdom Sugar Control Board sugar to satisfy reasonable Canadian requirements, the purchase price of the said sugar to be as agreed on from time to time with the United Kingdom Sugar Control Board:

Provided, however, that in the event of an emergency arising from the fact that the United Kingdom Sugar Control Board is unable at any time to satisfy reasonable Canadian requirements, the Wartime Prices and Trade Board, acting through the agency of the Sugar Administrator, may purchase from other sources sugar sufficient to satisfy such requirements.

2. The Wartime Prices and Trade Board, acting through the agency of the Sugar Administrator, shall have power to sell sugar purchased as aforesaid to Canadian refiners and others requiring sugar in Canada at prices which will insure the Board against loss and to allocate the sugar aforesaid amongst refiners and other Canadian users of sugar in such manner as to secure throughout Canada a steady and adequate supply of sugar to consumers.

3. Payment for sugar and for proper charges arising out of the sale and delivery thereof shall be made by the Sugar Administrator out of funds received by him from the sale of sugar to refiners and others, and the Sugar Administrator, either by himself or by a person or persons nominated by him, may deal in all respects with documents pertaining to the ordinary conduct of the business.

4. All funds received by the Sugar Administrator shall be deposited to his credit in such chartered bank or banks in Canada as the Wartime Prices and Trade Board may direct, and funds so deposited may be drawn against by cheques signed by such persons as the Board shall designate.

5. The Sugar Administrator shall keep such records and books of account as the Wartime Prices and Trade Board requires, and such records and books of account shall be subject to audit by the Auditor-General of Canada in such manner and at such times as the Auditor-General shall decide.

6. Surplus funds realized from the sale of sugar and deposited to the credit of the Sugar Administrator may be utilized, under the direction of the Wartime Prices and Trade Board, as a fund for the stabilization of sugar prices in Canada, in such manner and at such times as the Board shall direct, provided, however, that on the termination of the control contemplated by these Regulations, all

surplus funds to the credit of the Sugar Administrator shall be paid over by him to the credit of the Receiver General of Canada and shall form part of the Consolidated Revenue Fund of Canada.

7. The Sugar Administrator may invest surplus funds, not immediately required, in short term securities of the Dominion of Canada, and may for this purpose, from time to time, buy and sell such securities.

8. No person other than the Sugar Administrator shall import into or export from Canada any sugar, except under the authority of a permit issued by the Sugar Administrator for the purpose.

9. These Regulations shall have full force and effect according to their terms notwithstanding anything contained in the Consolidated Revenue and Audit Act or any other statute or law.

(Canada Gazette, 23rd October, 1939)

GOVERNMENT NOTICE

REGULATIONS OF THE FOREIGN EXCHANGE CONTROL BOARD

Certified Extract from the Minutes of a Meeting of the Foreign Exchange Control Board held at Ottawa, the 14th day of October, 1939.

On motion duly made and seconded, the following Regulations numbered 18 to 34, inclusive, were passed and enacted:

18. In order to facilitate the carrying on of ordinary commercial transactions, commercial companies may be granted permission under certain circumstances to operate foreign currency bank accounts and inter-company accounts. Permission to operate such accounts will not be granted to companies whose business is primarily of an investment or financial nature.

19. (a) A company or a branch of a company which on September 15, 1939, was operating a foreign currency account with a Canadian chartered bank in Canada in the ordinary course of its business may apply to the Board through an Authorized Dealer for permission to continue to operate such an account. If, in the opinion of the Authorized Dealer it is necessary for the company to use such a foreign currency account in the regular course of its business, the Authorized Dealer may approve such application on behalf of the Board. Authorized Dealers must notify the Board of the name and address of all companies to whom this privilege has been extended and state the balance in each such foreign currency account, as at September 15, 1939. The Board will communicate with all companies to whom this privilege has been extended by Authorized Dealers, advising them of the permit number under which such accounts may be operated. (All such permit numbers will carry the prefix BD).

(b) A company or a branch of a company which on September 15, 1939, was operating a foreign currency account with a non-resident bank in the ordinary course of its business, or a company which wishes to open a foreign currency bank account, may apply by letter direct to the Board for permission to operate such an account. The name of the bank where the account is to be carried and the balance, if any, in the account as at September 15, 1939, should be stated in the letter of application. Companies whose applications are approved by the Board will be notified of the permit number under which such accounts may be operated. (All such permit numbers will carry the prefix BD.)

(c) Companies which have been granted permits to operate foreign currency bank accounts may deposit foreign exchange received in connection with their ordinary commercial business operations in such accounts from time to time without making a declaration to the Board. Foreign exchange purchased from the Board may also be deposited in such accounts. The income from, and the proceeds of sales of foreign securities or other investments may not be deposited in such accounts. Cheques may be drawn on such accounts for any ordinary commercial business purpose, not including payments of interest and dividends, nor payments to meet bond maturities, payments for securities purchased, repayment of loans unless the proceeds of such loans were deposited in such foreign currency bank accounts subsequent to September 15, 1939, or payments for any other purpose which would represent an export of capital. Applications for foreign exchange in connection with such transactions must be made to the Board by letter thirty days in advance.

(d) Each such company will continue to use Form B in connection with exports of goods from Canada; if such exports are to be paid for in foreign exchange which is to be deposited in such a foreign currency account, Form D shall also be used and both Form B and Form D shall have the BD permit number written or stamped thereon above the title of the Form as follows: "BD Permit No.....". Form D shall also contain in the body of the Form the statement "Settlement through Authorized Foreign Currency Account, BD Permit No.....". The company's Authorized Dealer may approve such Form D on behalf of the Board.

(e) Each such company will continue to use Form E in connection with imports of goods into Canada and if any such imports are to be paid for out of such foreign currency account, Form E shall have the BD permit number written or stamped thereon above the title of the Form, and shall contain in the body of the Form the statement "Settlement through Authorized Foreign Currency Account, BD Permit No.....".

20. Permission to operate a foreign currency bank account is granted upon the following further conditions:

(i) The company shall from time to time or when required by the Board, sell to the Board through an Authorized Dealer the foreign exchange resulting from transactions in such account.

(ii) No purchases or sales of foreign exchange for Canadian dollars shall be made otherwise than through an Authorized Dealer in Canada.

(iii) No transfer shall be made from an account in sterling to an account in United States dollars, or vice versa, except through an Authorized Dealer.

(iv) Each company will be required to submit to the Board a monthly report on Form BDE certified by an authorized official on behalf of the company and such other reports of whatever character as the Board may from time to time require. The first monthly report shall cover the period from September 16, 1939, to October 31, 1939, both inclusive.

(v) The Board's examiners shall be at all times entitled to examine the books and accounts and other records of the company in order to verify the reports made by the company to the Board or to obtain any information desired by the Board.

(vi) Such permission may be amended or withdrawn by the Board at any time.

21. (a) A resident company (hereinafter referred to as the resident company) which is a parent, subsidiary, branch or associate of a non-resident company (hereinafter referred to as the non-resident company) and which desires to operate an inter-company account with such non-resident company through

which inter-company transactions may be recorded, shall apply in writing to the Board for permission. Such application should include a statement of the balance, if any, in the account as at 15th September, 1939; if such balance shows an amount owing by the resident company to the non-resident company it will be assumed, unless satisfactory evidence to the contrary is produced to the Board, that such balance is owing in Canadian funds; if the balance in the account represents an amount receivable from the non-resident company it will be assumed, unless satisfactory evidence to the contrary is produced to the Board, that such balance is in the currency of the country where the non-resident company has its chief place of business.

(b) Companies whose applications are approved by the Board will be notified of the permit number under which such inter-company accounts may be operated. (All such permit numbers will carry the prefix BD.)

(c) Licences to operate inter-company accounts will be issued on the understanding that such accounts will be used solely for ordinary commercial purposes not including payments of interest or dividends, nor payments to meet bond maturities, payments for securities purchased, the repayment of loans or payments for any other purpose which would represent an export of capital. Applications for foreign exchange in connection with such transactions must be made to the Board by letter thirty days in advance. The income from and the proceeds of sales of foreign securities or other investments may not be credited to such inter-company accounts.

(d) Each such company will continue to use Form B in connection with exports of goods from Canada; if such exports are to be settled for through such inter-company accounts, Form D shall also be used, and both Form B and Form D shall have the BD permit number written or stamped thereon above the title of the Form as follows: "BD Permit No...." Form D shall also contain in the body of the Form the statement "Settlement through Authorized Inter-company Account BD Permit No...."; the company's Authorized Dealer may approve such Form D on behalf of the Board.

(e) Each such company will continue to use Form E in connection with imports of goods into Canada; if such imports are to be settled for through such inter-company accounts, Form E shall have the BD permit number written or stamped thereon above the title of the Form, and shall contain in the body of the Form the statement "Settlement through Authorized Inter-company Account, BD Permit No..."

22. Permission to operate inter-company accounts is granted upon the following further conditions:

(i) The resident company shall from time to time or when required by the Board, obtain foreign exchange from the non-resident company, and sell such foreign exchange to the Board through an Authorized Dealer, to the full amount of the net balance arising out of transactions settled through the inter-company accounts.

(ii) No purchases or sales of foreign exchange for Canadian dollars shall be made otherwise than through an Authorized Dealer in Canada.

(iii) Exports to be paid for in Canadian dollars may not be recorded through an authorized inter-company account without the specific approval of the Board.

(iv) Each company will be required to submit to the Board a monthly report on Form BDE certified by an authorized official on behalf of the company and such other reports of whatever character as the Board may from time to time require. The first monthly report shall cover the period from September 16, 1939, to October 31, 1939, both inclusive.

(v) The Board's examiners shall be at all times entitled to examine the books and accounts and other records of the company in order to verify the

reports made by the company to the Board or to obtain any information desired by the Board.

(vi) Such permission may be amended or withdrawn by the Board at any time.

23. Any resident having any foreign exchange in his possession, ownership or control on September 15, 1939, may apply for permission to use the same for any purpose for which foreign exchange would be sold by the Board. Application should be made on Form F, which will be marked "Special" by the Authorized Dealer to whom application is made. The provisions of this regulation apply only to foreign exchange so held on September 15, 1939, and not to any foreign exchange subsequently acquired by a resident.

24. Any person who has purchased foreign exchange from the Board may deposit the same in a foreign currency bank account and make withdrawals for the purpose or purposes disclosed in his application for such foreign exchange. It is not necessary to apply to the Board for permission to operate a foreign currency bank account for such purpose.

25. (a) Any person may apply to the Board for permission to operate a foreign currency deposit account on the understanding that if such application is approved, accumulations in such accounts will be sold to the Board, through an Authorized Dealer, at the end of each month, or at any other time if especially required by the Board. Form C must be used in connection with every such sale of foreign exchange to the Board.

(b) Foreign exchange purchased from the Board may be deposited in such foreign currency deposit account and disbursements may be made therefrom for the purpose or purposes disclosed in the application for such exchange, provided that the total of such disbursements may not exceed the total foreign exchange purchased from the Board. No other disbursements may be made from such accounts.

(c) Any person authorized to operate such a foreign currency deposit account must submit a copy of the statement of such bank account to the Board at the end of each month indicating thereon the reference number of each application for foreign exchange purchased from the Board (Form F or Form H) and deposited in such account, and the reference number of each declaration of foreign exchange offered for sale to the Board (Form C) covering the accumulations in such account sold to the Board at the end of each month, together with the name and address of the Authorized Dealer through whom such foreign exchange was purchased or sold.

26. Any stockbroker or investment dealer may apply to the Board for permission to operate a foreign currency bank account for the sole purpose of settling accounts with clients in the ordinary course of business. Any accumulations in such accounts other than amounts payable to clients must be sold to the Board through an Authorized Dealer at the end of each month or at any other time if specially required by the Board. Each such stockbroker and investment dealer must keep such records as may be necessary to establish to the satisfaction of the Board's Examiners that transactions passing through such bank accounts are in accordance with the provisions of this regulation.

27. Trustees, executors and agents for non-residents may apply to the Board for permission to operate foreign currency bank accounts in connection with transactions carried out solely on behalf on non-residents. Such permission will not be granted unless the Board is satisfied that a foreign currency bank account is necessary for the purpose of carrying out the duties of the

trustee, executor or agent to the non-resident beneficiary or principal. If such permission is granted the trustee, executor or agent will be given a registration number bearing the prefix AG, and will operate the foreign bank account subject to such conditions and instructions as the Board may from time to time prescribe.

28. Regulations Nos. 18 to 27 inclusive supersede any instructions or rulings previously issued by the Board relative to inter-company accounts or foreign currency bank accounts, without prejudice to any transactions carried out prior to October 23, 1939, pursuant to any such instruction or ruling; provided that nothing in the said Regulations or in this Regulation shall affect any arrangements previously made by the Board with authorized dealers or special agents of the Board, or with insurance companies or trust companies respecting the conduct of their business, nor affect the position of non-residents, nor shall the said Regulations be construed so as to restrict in any way the operation of Regulation No. 8 or any ruling of the Board in relation thereto.

29. Paragraph (i) of Regulation No. 1 is repealed, and the following substituted therefor:

"(i) No permit shall be required for the sale by an Authorized Dealer or other agent of the Board of foreign exchange to a value not exceeding the equivalent of One Hundred Dollars in United States currency or Twenty-five Pounds Sterling purchased by any person in any month, provided that this exemption shall apply only with respect to foreign exchange in the form of cash, cheques, postal notes, money orders and other items of a similar nature, payable at sight or on demand, and provided also that no Authorized Dealer or other agent of the Board shall sell foreign exchange under the provisions of this Regulation except in cases within the authority of such Authorized Dealer or other agent of the Board; in addition, a resident may without a permit pay or transfer Canadian currency to or to the account of a non-resident to an amount not exceeding one hundred dollars in any month to each such non-resident, except where such payment is to be made in connection with a purchase of securities from a non-resident.

30. Paragraph (b) of Regulation No. 10 is repealed and the following substituted therefor:

"(b) An Authorized Dealer may issue a permit for the sale of foreign exchange to a non-resident private individual having on September 15, 1939, a Canadian-currency deposit with any bank, savings bank, insurance company, trust or loan company or other similar depository, up to a total not exceeding the equivalent of Five Thousand Dollars, provided that payment for such foreign exchange is made by means of a cheque drawn on such deposit account for a sum not exceeding the credit balance on September 15, 1939; and to facilitate any such transaction the said depository may sign the relative application for such foreign exchange on behalf of the non-resident depositor."

31. Regulation No. 11 is amended by adding thereto the following:

"Provided that this right of automatic conversion into foreign exchange shall not apply with respect to dividends becoming due after October 23, 1939, on any shares of which fifty per cent or more were held by one non-resident shareholder on September 15, 1939, or at any time subsequent to such date, or on any shares held by fewer than one hundred persons on September 15, 1939, or at any time subsequent to such date. In any such case, the company shall obtain a permit from the Board before making

any payment of dividends to non-residents, upon application to be made thirty days in advance of the date of payment; in such cases a permit will be granted for payment in Canadian dollars, but the right of automatic conversion into foreign exchange will be granted only if, in the opinion of the Board, no export of capital is involved.

32. An Authorized Dealer may approve a permit (Form G) for any payment or transfer of Canadian currency to or to the account of a non-resident, where such payment or transfer is to be made in the administration of an estate, or pursuant to any trust, or in satisfaction of all or part of a matured obligation under a bond, debenture, or other secured or unsecured debt, or is a payment for property sold by a non-resident, with the exception that any application for permission to make such a payment or transfer of Canadian dollars in connection with a purchase of securities or any unmatured debt by a resident from a non-resident, or from any person acting for a non-resident, shall be referred to the Board.

33. (a) No export licence or import licence shall be required for the export or import of goods having a value not exceeding twenty-five dollars; in connection with each such unlicensed export or import the exporter or importer shall revert to the practice followed before the coming into force of the Foreign Exchange Control Order, subject always to the provisions of any other laws affecting exports or imports.

(b) At the time of purchasing foreign exchange, or applying for permission to pay Canadian dollars, in connection with any such unlicensed imports, to a value in excess of One Hundred Dollars per month, the importer shall produce to his Authorized Dealer one copy of each relative Customs import entry, appraisal note or Customs Invoice in lieu thereof, stamped and attested by a Customs official. The Authorized Dealer shall mark each such Customs document to indicate it has been used for the purposes of this Regulation (any stamp containing the name of the bank and branch, and the date, will be sufficient) and return the document to the importer. No Authorized Dealer shall sell foreign exchange, or issue a permit for the payment of Canadian dollars, to a value in excess of One Hundred Dollars per person per month, in payment for any such unlicensed imports unless the importer presents Customs import documents as aforesaid, not previously used for such purpose, to an amount approximately equal to the value of the foreign exchange or Canadian dollars in question, nor unless the importer states in his application that it relates to imports represented by the said import documents and lists the Customs identification numbers thereof. Provided, however, that an Authorized Dealer may, in his discretion, sell foreign exchange or issue a permit for the payment of Canadian dollars in advance of the importation, if satisfied that the relative imports will be made and that import documents will be subsequently presented, as aforesaid, and in any such case the Authorized Dealer shall report to the Board if the said import documents are not presented on or about the date indicated in the importer's application for foreign exchange or for permission to make payment in Canadian dollars.

(c) Nothing in this Regulation shall exempt an exporter or importer from any provisions of the Foreign Exchange Control Order or Regulations of the Board other than the requirement of obtaining export and import licences issued by or on behalf of the Board.

(d) This Regulation shall not apply with respect to exports for payment in Canadian dollars nor with respect to exports or imports by the holder of a BD permit.

34. Any Company incorporated outside Canada and wholly or partly owned or controlled by a resident or residents in such circumstances that it constitutes

a family corporation or personal corporation within the meaning of the Income War Tax Act shall be and be deemed to be a resident of Canada for the purpose of the Foreign Exchange Control Order.

Certified to be a true copy and in accordance with the Minutes of the Board.

G. F. TOWERS,
Chairman.

Order in Council authorizing purchase of certified seed potatoes

Canada Gazette, 11th November, 1939

P.C. 3292

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 25th October, 1939.

The Committee of the Privy Council have had before them a report, dated 19th October, 1939, from the Minister of Agriculture stating that he has received the following representations from the Agricultural Supplies Committee:

1. That, in the light of the inroads which have been made by destructive virus diseases in supplies of certified seed potatoes, it is important to ensure that disease-free foundation seed available in Canada this year should be maintained for planting in the Spring of 1940;

2. That, of an estimated total output of 50,000 bushels of disease-free foundation seed, contracts have already been made, chiefly for export, for approximately 10,000 bushels;

3. That, owing to the strong demand for disease-free foundation seed potatoes in the United States and the advantage which American buyers have at present rates of exchange, it is expected that a large part of the remaining 40,000 bushels of such seed will be contracted for export this Fall unless action is taken to ensure retention of it in Canada.

The Minister, therefore, recommends:

1. That the Agricultural Supplies Committee be authorized to contract for the purchase of available supplies of disease-free foundation seed potatoes up to a maximum of 40,000 bushels at margins not exceeding 25 cents per bushel over and above the market price for No. 1 certified seed potatoes and at prices not exceeding \$1.10 per bushel at points of origin, the contracts to be on the basis of a down payment of half the contract price per bushel, the seed to be stored on the premises of the producer and final payments to be made in the Spring of 1940 based on out-turn after final inspection and grading to foundation seed standards;

2. That the Committee be authorized to arrange to resell at cost in the Spring of 1940 to selected growers the seed so purchased;

3. That credits be provided to the Committee in instalments not to exceed \$10,000 and to a total amount not to exceed \$20,000 to the 31st of March, 1940, and that the financial control be arranged as between the Comptroller of the Treasury and the Committee on a basis to ensure eventual repayment to the Treasury of the credits so provided.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP
Assistant Clerk of the Privy Council

Order in Council amending P.C. 2906—Agreement re freight on
shipments of fibre flax seed

Canada Gazette, 11th November, 1939

P.C.3293

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 25th day of October, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under the authority of P.C. 2906, October 5, 1939, the Agricultural Supplies Committee was authorized to arrange for the purchase of available supplies of fibre flax seed in Canada at prices of \$5.50 per bushel for No. 1 certified seed, and \$4.25 for uncertified seed, less freight differentials to Montreal in each case;

And whereas the Minister of Agriculture reports that it has since been pointed out by growers that the above prices were quoted by them on the basis of delivery at mills, rather than at Montreal; and

That the Government of Northern Ireland has intimated its willingness to purchase seed, not required in Canada, on the basis of these prices at mills in Canada;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture, is pleased to amend Order in Council P.C. 2906 of 5th October, 1939, by striking out, in the second to the last paragraph thereof, the words "less freight differentials to Montreal in each case", and it is hereby amended accordingly.

(Sgd.) H. W. LOTHROP

Assistant Clerk of the Privy Council

Order in Council authorizing reduction of non-commissioned officers to
lower grade—R.C.A.F.

P.C. 3296

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 25th day of October, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas sub-section (2) of Section 183 of the Air Force Act (Imperial) is as follows:—

"(2) The Air Council, and on active service the officer commanding-in-chief in the field (whether such officer is an officer of the air force, army, or navy,) and any air, general or flag officer he or the Air Council may appoint, may reduce any non-commissioned officer to the ranks or to any lower grade;

Provided that, where the Air Council in special circumstances so direct, any powers which under this provision may be exercised by an officer of air rank may be exercised by a group captain:"

And whereas the Minister of National Defence reports that it is desirable to apply the provisions of the said sub-section (2) of Section 183 to the Royal Canadian Air Force, and, for that purpose, to adapt the said sub-section to meet the particular circumstances of the Royal Canadian Air Force when on active service;

Now therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased notwithstanding the provisions of any other Act, Law or Regulation, to make the following Regulation, and it is hereby made and established accordingly:—

REGULATION

The Minister of National Defence, and on active service the officer commanding-in-chief in the field (whether such officer is an officer of the air force, the army or the navy), and any air, general or flag officer he or the Minister of National Defence may appoint, may reduce any non-commissioned officer to the ranks or to any lower grade;

Provided that, where the Minister of National Defence in special circumstances so directs, any powers which under this provision may be exercised by an officer of air rank may be exercised by a group captain.

(Sgd.) H. W. LOTHROP
Assistant Clerk of the Privy Council

Order in Council temporarily rescinding right to retire—Permanent Active Militia and Permanent Active Air Force

P.C. 3297

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 25th day of October, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas under the provisions of the Militia Pension Act, Chapter 133 Revised Statutes of Canada, 1927, and amendments thereto, officers of the Permanent Active Militia and of the Permanent Active Air Force, and soldiers and airmen of the said Forces, are entitled to retire after completing the periods of service specified in the said Act;

And whereas the Minister of National Defence is of the opinion that the exercise of this right to be retired by such officers, soldiers and airmen, while they are serving on active service, would be contrary to the interests of the State;

Now, therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased to make the following Regulation and it is hereby made and established accordingly:—

REGULATION

Notwithstanding anything contained in the Militia Pension Act, Chapter 133 Revised Statutes of Canada, 1927, or any amendment thereto, officers of the Permanent Active Militia and Permanent Active Air Force, and soldiers and airmen of the said Forces, shall not, during such time as they are serving on active service during the present war, be entitled, as a matter of right, under the said Act and amendments thereto to be retired.

(Sgd.) H. W. LOTHROP
Assistant Clerk of the Privy Council

Order in Council authorizing War Supply Board to assume duties of
Defence Purchasing Board

Canada Gazette, 18th November, 1939

P.C. 3300

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 25th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Subsection (5) of Section 5 of Order in Council P.C. 2696 dated September 15, 1939, provides that the War Supply Board shall assume and take over all contracts made by or with the Defence Purchasing Board and the work of the Defence Purchasing Board as from a date to be fixed by Order in Council;

And whereas the Minister of Finance reports that the War Supply Board is now organized and ready to begin to function;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to fix and doth hereby fix November 1, 1939, as the date on and from which the War Supply Board shall assume and take over all contracts made by or with the Defence Purchasing Board and the work of that Board.

(Sgd.) H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Order in Council respecting Registration of Enemy Aliens

Canada Gazette, 11th November, 1939

P.C. 3342

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 26th day of October, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports that representations have been made to the effect that a number of persons who were born in territories which, prior to the 3rd day of September, 1939, were under the sovereignty or control of the German Reich, have failed to register under the provisions of the Defence of Canada Regulations relating to enemy aliens on the ground that they are persons who sympathize with the Allied cause and should not therefore be regarded as enemy aliens; and

That while such representations should be treated with sympathetic consideration it is not possible to make a distinction between nationalities and it is necessary in the interests of the safety of the State that all persons who were born in the said territories be required to register in accordance with the procedure set out in the Defence of Canada Regulations.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, is pleased to make the following Regulation, to be inserted immediately after Regulation 26 of the Defence of Canada Regulations, and it is hereby made and established accordingly:—

"26A. The provisions of Regulations 24, 25 and 26 shall apply mutatis mutandis to all persons born in territories which were under the sovereignty or control of the German Reich on September 3, 1939, who are not naturalized British subjects."

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council amending Agreement—British Columbia Apples

P.C. 3349

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 27th October, 1939.

The Committee of the Privy Council have had before them a report, dated the 26th October, 1939, from the Minister of Agriculture, stating that as a result of representations made by the Agricultural Supplies Committee it appears to be desirable that the form of agreement to be entered into to assist the marketing of apples grown in British Columbia be amended in certain respects.

The Committee, therefore, on the recommendation of the Minister of Agriculture, advise that, under and by virtue of the powers conferred by the War Measures Act, the Minister of Agriculture be authorized to enter into an agreement with the Okanagan Federated Shippers Association Incorporated in the form annexed hereto in lieu of the form of agreement authorized by Order in Council P.C. 2853 of the 25th September, 1939.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

MEMORANDUM OF AGREEMENT entered into this day
1939.

BETWEEN:

The Okanagan Federated Shippers Association Incorporated, a body politic having its Head Office in the City of Vernon, in the Province of British Columbia, hereinafter called the "Association"

OF THE FIRST PART

and

His Majesty the King, in the right of Canada and herein represented by the Honourable the Minister of Agriculture, hereinafter called the "Minister"

OF THE SECOND PART

Whereas the Association as a result of a shortage or absence of ocean going cargo space, loss of export market and other restrictions resulting from the war is confronted with the impossibility of marketing a large part of the apples grown in British Columbia in 1939 which would be normally marketed in the United Kingdom and Europe;

Whereas the further occurrence of drought conditions in parts of the Provinces of Alberta, Saskatchewan and Manitoba during the crop season 1939 has left many residents and settlers in these areas, despite assistance under other legislation, financially unable to purchase apples.

Whereas the Minister has been authorized under the War Measures Act to enter into an arrangement with the Association to safeguard growers in part against losses which would otherwise be suffered.

Witnesseth that in consideration of the premises, the parties hereto covenant and agree as follows:

1. The Association agrees to dispose, in so far as possible, in export markets of the entire export production of apples grown in 1939 in the Okanagan Valley of the Province of British Columbia.

2. The Minister undertakes and agrees to expend, out of moneys appropriated for the purpose, a sum not exceeding \$525,000

- (a) by purchasing apples from the growers through the Association at the F.O.B. prices approved by the Minister and distributing same in the aforesaid drought areas up to \$100,000 and
- (b) by paying to the Association if its net return on apples of any shipper member shipped on consignment for sale in the United Kingdom or Europe on or before the 31st day of December, 1939, averages less than 95 cents per box, and, if so shipped between the 31st day of December, 1939, and the 28th day of February, 1940, averages less than \$1.05 per box, the difference between such average net return according to variety within such periods and the said prices respectively, such expenditure not to exceed \$425,000.

3. Paragraph (b) of clause 2 hereof shall extend to the first million boxes of apples of the following varieties, grades and sizes shipped on consignment subsequent to the date of this agreement as per copies of invoices forwarded to the Minister at the time of shipment:—

McIntosh Red.	150-252	Ex. Fcy.—Fancy—"C"
Jonathan.	150-252	Ex. Fcy.—Fancy—"C"
Delicious.	125-234	Ex. Fcy.—Fancy—"C"
Yellow Newtown	138-252	Ex. Fcy.—Fancy—"C"
Winesap.	163-252	Ex. Fcy.—Fancy—"C"
Rome Beauty.	125-216	Fancy—"C"
Spitzenberg.	125-216	Ex. Fcy.—Fancy—"C"
Stayman Winesap.	125-216	Ex. Fcy.—Fancy—"C"
Grimes Golden.	150-234	Fancy

4. The Association agrees that its books, accounts, vouchers and records shall at all times be open to inspection and audit by a representative of the Minister of Finance and that no money shall be payable hereunder until a report of such representative satisfactory to the Minister of Finance has been accepted by him.

In witness whereof the parties hereto have hereunto set their hands and seals.

.....
.....
Minister of Agriculture.

Order in Council authorizing Compensation—Canadian salt-water fishermen

Canada Gazette, December 2, 1939

P.C. 3358

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 10th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Transport, with the concurrence of the Minister of Fisheries, reports that by reason of the present war it is expedient in the public interest to make provision for the payment of compensation of such masters and members of the crews of ships of Canadian registry or licence, and such Canadian salt-water fishermen who, as a result of enemy action or counter-action taken against the same, suffer the loss of their personal effects on board their respective vessels;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, with the concurrence of the Minister of Fisheries and under and by virtue of the War Measures Act (Chapter 206, R.S.C. 1927) is pleased to make the following Regulations and they are hereby made and established accordingly.

REGULATIONS

TITLE

1. These Regulations may be cited as the Compensation to Seamen (War Damage to Effects) Regulations, 1939, and shall be deemed to have come into operation upon the 3rd day of September, 1939.

INTERPRETATION

2. In these Regulations, unless the context otherwise requires,

- (a) "Canadian salt-water fishermen" means persons of Canadian nationality employed upon a fishing vessel or boat engaged in the fishing industry of Canada in tidal waters.
- (b) "the appropriate Department" means
 - (i) in respect of Canadian salt-water fishermen, the Department of Fisheries;
 - (ii) in respect of all other persons to whom these regulations apply, the Department of Transport.
- (c) "war damage" means loss (including destruction) and damage caused by, or in repelling, enemy action, or by measures taken to avoid the consequences of damage caused by or in repelling enemy action.

3. These Regulations shall apply to the following classes of persons who have sustained war damage to their personal effects on board their respective vessels:—

- (a) The master or member of the crew of a ship of Canadian registry or licence.

- (b) Members of the Pilotage Service, that is to say, a pilot or apprentice pilot, or the master or member of the crew of a pilot boat.
- (c) The master or a member of the crew of a lightship, a lighthouse tender or a lightship tender.
- (d) Canadian salt-water fishermen.

4. Any person to whom these Regulations apply may make to the appropriate Department a claim for compensation in respect of war damage to his personal effects and the appropriate Department may, subject to the provisions of these Regulations, pay to that person in respect of such claim an amount not exceeding the maximum amount payable to a person of his rank or rating at the time when the war damage occurred in accordance with the Schedule appended hereunder.

Personnel of Ships of Canadian Registry or Licence and Canadian Salt-Water Fishermen

Schedule of Compensation for Loss of Personal Effects through War Perils at Sea

(1) Ships of Canadian Registry or Licence

<i>Rank or rating</i>	Maximum amount of compensation payable for loss of personal effects		
	† Foreign Trade	† Home Trade Passenger	† All other Trades
(i) Master	\$ 500	\$ 350	\$ 200
(ii) Certificated Officers, Surgeons, Pursers	300	210	125
(iii) Uncertificated Officers, Chief Stewards in charge of Departments, Wireless Operators and Apprentices	250	175	100
(iv) Ratings in Victualling Department above rank of Waiter or Bedroom Steward.....	150	105	75
(v) Victualling Department Waiter or Bedroom Steward and similar pay ratings.....	50	50	50
(vi) Ratings in Victualling Department of lower pay than Bedroom Steward.....	40	40	40
(vii) Carpenters and Joiners (Effects \$50. Tools \$100 maximum)	150	150	150
(viii) Boatswain, Donkeyman, Quartermaster and other similar ratings	50	50	50
(ix) Seaman Greasers, Firemen, Trimmers and other similar ratings, excluding Class (x).....	40	40	40
(x) Oriental ratings not domiciled in Canada within meaning of the Immigration Act.	20	20	20
(xi) Licensed Pilots and Licensed Apprentice Pilots.	50	50	50
<i>(2) Fishing Boats and Sailing Vessels</i>			
(a) Fishing Boats and Vessels of 60 registered tons and over and Foreign-going Sailing Vessels			
(i) Master..			\$200
(ii) Mate or Engineer..			100
(iii) All other members of Crew..			40
(b) All other Fishing Boats and Home Trade, Inland and Minor Waters Sailing Vessels			
(i) Master..			\$125
(ii) All other members of Crew..			40
<i>(3) Pilot Boats and Lightships</i>			
(i) Master..			\$125
(ii) All other members of Crew..			40

†The provision of the Canada Shipping Act, 1934, and Regulations made thereunder will determine the class of vessel, the nature of the trade in which the vessel is engaged and the status of the members of the crew. Masters, officers and ratings of Canadian Government Steamships, other than pilot boats and lightships, will come under "All other Trades."

5. Any claim made under clause numbered 4 of these Regulations shall be made in the manner and upon the form approved by the appropriate department as applicable to such claim.

6. Unless the appropriate Department otherwise directs no compensation shall be payable under these Regulations in respect of any claim which has not been made within one year of the relative war damage having been incurred.

7. No person shall be precluded from receiving compensation under these Regulations by reason only of the fact that at the time of making a claim for such compensation he has ceased to be a person to whom the Regulations apply.

His Excellency in Council is hereby further pleased to order that payments falling due under the above-mentioned Regulations shall be made out of the War Appropriation, the amount of such payments to be recouped from funds accruing to the Custodian of Enemy Property as and when available.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council authorizing Pensions—Canadian salt-water fishermen

P.C. 3359

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 10th day of November, 1939.

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of Pensions and National Health, with the concurrence of the Minister of Fisheries and the Minister of Transport, reports:

That by reason of the present war with the German Reich it is expedient and in the public interest to provide for the payment of pensions to such persons employed in ships of Canadian registry or licence and such Canadian salt-water fishermen as, in the pursuit of their callings, suffer disability or death as a result of enemy warlike action or counter-action taken against the same; and

That there is no provision in the Pension Act for the payment of pensions to the said persons or fishermen as such;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health, with the concurrence aforesaid and under and by virtue of the War Measures Act (Chapter 206, R.S.C. 1927) is pleased, notwithstanding anything to the contrary contained in the Pension Act or in any other Act or Regulation, to make the following Regulations and they are hereby made and established accordingly:

REGULATIONS

1. In these regulations, unless the context otherwise requires,
 - (a) "war with the German Reich" means the war into which Canada entered on the 10th day of September, 1939;
 - (b) "ship" includes every description of vessel used in navigation not propelled by oars;
 - (c) "ship in foreign trade" means a ship employed on foreign voyages within the meaning of the Canada Shipping Act, 1934;

- (d) 'ship in home trade' means a ship engaged in home trade voyages within the meaning of the Canada Shipping Act, 1934;
- (e) 'ship trading in inland or minor waters' means a ship employed on an inland voyage or a minor waters voyage within the meaning of the Canada Shipping Act, 1934;
- (f) 'Canadian salt-water fisherman' means a person of Canadian nationality employed upon a fishing vessel or boat engaged in the fishing industry of Canada in tidal waters.

2. Subject to the provisions of these regulations pensions shall be awarded in accordance with the rates set forth in Schedules A and B of the Pension Act for members of the Naval Forces of Canada to or in respect of all persons who, while serving upon any ship of Canadian registry or licence, and of all Canadian salt-water fishermen who, while serving upon any ship engaged in the Canadian salt-water fishing industry, during the war with the German Reich suffer disability or death as a result of enemy warlike action or of counter-action taken against the same.

3. The rate of pension payable to or in respect of a person or fisherman in the regulation next preceding mentioned shall be the rate set forth in Schedule A or B as the case may be of the Pension Act applicable to the rank or rating of the Naval Forces of Canada set opposite the rank or qualification of such person or fisherman in the following table:—

(1) *Pensions for Personnel of Ships of Canadian Registry or Licence*

<i>Rank</i>	<i>Scale of Pension</i>
-------------	-------------------------

(a) *Ship in Foreign Trade†*

- | | |
|--|------------------------|
| (i) Master. | Commander |
| (ii) Chief Officer. | Lieutenant Commander |
| (iii) Chief Engineer. | Commander |
| (iv) Second Engineer. | Lieutenant Commander |
| (v) Other Navigating and
Engineer Officers,
Purser
Surgeon
Chief Steward | } Lieutenant |

(vi) All other officers. Sub-Lieutenant

(b) *Ship in Home Trade†*

- | | |
|----------------------------------|----------------|
| (i) Master. | Lieutenant |
| (ii) All other officers. | Sub-Lieutenant |

<i>Rank</i>	<i>Scale of Pension</i>
-------------	-------------------------

(c) *Ship in Inland and Minor Waters Trade†*

- | | |
|----------------------------------|----------------|
| (i) Master. | Lieutenant |
| (ii) All other officers. | Sub-Lieutenant |

(d) *All trades*

- | | |
|---|---|
| (i) All other members of the crew (except Orientals not domiciled in Canada within the meaning of the Immigration Act.) | Able Seaman |
| (ii) Orientals not domiciled in Canada within the meaning of the Immigration Act. | A proportion of pension applicable to an able seaman as judged adequate by the Canadian Pension Commission. |

(e) *Pilots*

- | | |
|--|----------------|
| (i) Licensed Pilots. | Lieutenant |
| (ii) Licensed Apprentice Pilots. | Sub-Lieutenant |

(2) *Pensions for Canadian Salt-Water Fishermen*

- | | |
|--|----------------|
| (a) Master of fishing boats of 60 registered tons or over. | Lieutenant |
| (b) Master of other fishing boats. | Sub-Lieutenant |
| (c) Other members of the crew. | Able Seaman |

†The provisions of the Canada Shipping Act, 1934, and Regulations made thereunder, will determine the class of vessel, the nature of the trade in which the vessel is engaged and the status of the members of the crew.

4. No pension shall be payable under these regulations to or in respect of any dependent other than the wife, widow or orphan children of the person on account of whose disability or death pension is claimed.

5. No pension shall be payable under these regulations unless application is made therefor within one year after the occurrence of the death or incurrence of the injury resulting in disability on account of which pension is claimed.

6. All claims for pension under these regulations shall be dealt with and adjudicated upon by the Canadian Pension Commission in like manner and to all intents and purposes as though such claims were claims under the Pension Act and the person or fisherman by or in respect of whom application for pension is made was, at the time the injury resulting in his disability or death was sustained, a member of the Forces as defined by such Act and all provisions of the Pension Act which are not inconsistent with these regulations shall apply to every such claim.

His Excellency in Council is hereby further pleased to order that payments falling due under the above Regulations shall be made out of the War Appropriation, the amount of such payments to be recouped from funds accruing to the Custodian of Enemy Property as and when available.

(Sgd.) H. W. LOTHROP
Assistant Clerk of the Privy Council

Order in Council respecting Patents, Designs, Copyrights and Trade Marks

P.C. 3362

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 27th day of October, 1939.

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL

Whereas the Acting Secretary of State reports that it is expedient to make Regulations, under and by virtue of the powers vested in the Governor in Council by the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, with the view of regulating dealings relating to patents, designs, copyrights and trade marks;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State and under the authority above cited, is pleased to make the annexed Regulations which may be described as "The Patents, Designs, Copyright and Trade Marks (Emergency) Order, 1939", and they are hereby made, established, and put into force accordingly.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Note.—The Patents, Designs, Copyright and Trade Mark (Emergency) Order, 1939, printed by King's Printer.

Order in Council with respect to The Visiting Forces (British Commonwealth) Act 1933

P.C. 3391

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 2nd day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of National Defence reports that the presence in the United Kingdom and elsewhere outside Canada of Military and Air Forces of Canada, on occasions when similar Forces of the United Kingdom and of other parts of the British Commonwealth are also present, makes it essential that the relationship and status of such Canadian Forces with that of the other Forces mentioned be established;

And whereas The Visiting Forces (British Commonwealth) Act, 1933, Chapter 21 of the Statutes of Canada, 1933, in so far as Canadian Forces are concerned, makes the necessary provision for the matters referred to above, and similar legislation exists with respect to the Forces of the United Kingdom and those of certain other parts of the British Commonwealth;

And whereas sub-sections (4) and (5) of Section 6 of the said Act read as follows:—

“ (4) When a home force and another force to which this section applies are serving together, whether alone or not:—

(a) any member of the other force shall be treated and shall have over members of the home force the like powers of command as if he were a member of the home force of relative rank: and

(b) if the forces are acting in combination, any officer of the other force appointed by His Majesty, or in accordance with regulations made by or by authority of His Majesty, to command the combined force, or any part thereof, shall be treated and shall have over members of the home force the like powers of command and punishment, and may be invested with the like authority to convene, and confirm the findings and sentences of, courts martial as if he were an officer of the home force of relative rank and holding the same command.

(5) For the purposes of this section, forces shall be deemed to be serving together or acting in combination if and only if they are declared to be so serving or so acting by order of the Governor in Council, and the relative rank of members of the home forces and of other forces shall be such as may be prescribed by regulations made by His Majesty.”

And whereas in respect of Canadian Military and Air Forces serving in the United Kingdom the provisions of paragraph (a) of sub-section (4) of the said Section 6, quoted above, would have the effect of establishing their relationship and status with members of corresponding Forces of the United Kingdom if, pursuant to sub-section (5) of the said Section 6, the said Forces were declared to be serving together;

And whereas, in this connection, a similar declaration with respect to the Military and Air Forces of the United Kingdom would be required to be made by the Army Council or the Air Council, as the case may be, under the corresponding provisions of the Visiting Forces (British Commonwealth) Act of the United Kingdom;

And whereas the fact of Canadian Military and Air Forces being declared to be serving together with Military and Air Forces of the United Kingdom, would in no way restrict the control and administration by the Government of Canada of such Canadian Forces whilst serving in the United Kingdom or elsewhere;

And whereas the Canadian Military and Air Forces serving on the Continent of Europe will of necessity be acting in combination with Military and Air Forces of the United Kingdom, and of other parts of the British Commonwealth, and provision is made in paragraph (b) of sub-section (4) of Section 6 of the said Visiting Forces (British Commonwealth) Act, 1933, for the exercise of command by the officer whom His Majesty appoints to command such combined Force;

And whereas, under sub-section (5) of the said Section 6, the said Forces would only be deemed to be acting in combination if they were so declared by the Governor in Council, and in the opinion of the Minister of National Defence it is desirable that such a declaration be made;

(A similar declaration with respect to the Military and Air Forces of the United Kingdom would be required to be made by the Army Council or the Air Council, as the case may be, under the corresponding provisions of the Visiting Forces (British Commonwealth) Act of the United Kingdom.)

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and pursuant to the provisions of The Visiting Forces (British Commonwealth) Act, 1933, Chapter 21 of the Statutes of Canada, 1933, is pleased to order and doth hereby order and declare,—

1. That all Military and Air Forces of Canada present in the United Kingdom serve together with the Military and Air Forces, respectively, of the United Kingdom;

2. That all Military and Air Forces of Canada serving on the Continent of Europe shall act in combination with those Forces of the United Kingdom serving on the Continent of Europe with which they may from time to time be serving, and that they shall so act upon their embarkation in the United Kingdom for the purpose of proceeding to the Continent of Europe; and

3. That, in respect of any Military and Air Forces of Canada serving in the United Kingdom, those parts thereof as may from time to time be detailed for that purpose by the appropriate Canadian Service Authorities as from time to time designated by the Minister of National Defence, shall act in combination with those Forces of the United Kingdom to which the same have been so detailed.

His Excellency in Council, for the purpose of giving effect to the provisions of sub-section (2) of Section 6 of The Visiting Forces (British Commonwealth) Act, 1933, is further pleased, on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, to authorize and doth hereby authorize the appropriate Canadian Service Authorities to take such action as may be necessary to effect the attachment of members of the Military and Air Forces of any other part of the Commonwealth to Canadian Forces and vice versa.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council authorizing increase in number of Special Constables

P.C. 3444

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 2nd November, 1939.

The Committee of the Privy Council, on the recommendation of the Acting Minister of Justice, advise that Order in Council of the 1st of September, 1939, P.C. 2484, granting authority for the re-engagement of certain ex-members of the Royal Canadian Mounted Police and the engagement of 1,100 Special Constables, be hereby amended to read 2,500 Special Constables instead of 1,100, in order that the money allocated to the Royal Canadian Mounted Police from the War Appropriation by Order in Council of the 25th of October, 1939, P.C. 29/3291, may be definitely allotted and released to the Force for the purpose indicated therein.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council approving licensing of dealers in coal or coke

Canada Gazette, 11th November, 1939

P.C. 3470

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 2nd day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas by Order in Council P.C. 2516 of the 3rd day of September, 1939, as amended by Order in Council P.C. 2625 of the 9th day of September, 1939, the Wartime Prices and Trade Board is empowered, subject to the approval of the Governor in Council, to require persons dealing in necessities of life to obtain licences from the said Board;

And whereas by Order in Council P.C. 3117 of the 18th day of October, 1939, the appointment by the said Board of James McGregor Stewart, Esquire, K.C., as Coal Administrator was approved;

And whereas the Board, on the recommendation of the Coal Administrator, deems it to be in the public interest to require licences to be obtained by persons dealing in coal or coke and deems it advisable to charge annually a fee of one dollar for each such licence, payable to the Receiver General of Canada;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, is pleased to approve and doth hereby approve the requirement of the Wartime Prices and Trade Board that such licences be obtained and that a fee of one dollar be paid for each such licence.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

GOVERNMENT NOTICE

REGULATIONS OF THE FOREIGN EXCHANGE CONTROL BOARD

Certified Extract from the Minutes of a Meeting of the Foreign Exchange Control Board held at Ottawa, the 1st day of November, 1939.

On Motion duly made and seconded, the following Regulations numbered 35 to 39, inclusive, were passed and enacted:

35. Special export-import licences may be granted under certain circumstances to commercial companies with a substantial volume of export and/or import shipments. Applications for such licences must be made in triplicate on Form BE, two copies to be sent to the Board. Copies of this form may be obtained from Collectors of Customs and Excise. If and when such applications are approved, the applicant will be advised of the number of the special export-import licence and the date on which such licence will become effective.

36. (a) Special export-import licence holders will not be required to prepare Forms B in respect of exports and Forms E in respect of imports, but in lieu thereof will revert to the practice followed in clearing exports and imports prior to the effective date of the Foreign Exchange Control Order. Such holders will relinquish General Export Licence A if previously obtained. Customs entries are to be stamped with the special export-import licence number. Sufficient copies of entries are to be furnished to ensure the return to the licence holder of a certified copy from the Collector concerned. Export-import licences on Form BE are issued solely for the purpose of the Foreign Exchange Control Order and shall not be deemed to authorize any exportation or importation or other act by the holders thereof in contravention of any other law.

(b) Paragraphs (d) and (e) of Regulation 19 and Paragraphs (d) and (e) of Regulation 21 shall not apply to exports or imports made under authority of a special export-import licence.

37. Each company which has been granted a special export-import licence will be required to submit to the Board a monthly report on Form BDE certified by an authorized official on behalf of the company and such other reports of whatever character as the Board may from time to time require. The Board's examiners shall be entitled at all times to examine the books and accounts and other records of the company in order to verify the reports made by the company to the Board or to obtain any information desired by the Board.

38. (a) Foreign exchange for the full value of all exports made under authority of a special export-import licence must be sold to the Board through an Authorized Dealer as soon as received, subject, however, to the provisions of Regulations 19, 20, 21 and 22 in respect to settlement for exports and imports by commercial companies which have been granted permission to operate foreign currency bank accounts or inter-company accounts.

(b) A holder of a special export-import licence may not make any exports for payment in Canadian dollars unless special permission has been obtained from the Board in the form of a "Control Permit-Canadian Payment"; in any such case exports for payment in Canadian dollars may be made to the extent permitted by such Control Permit and the provisions of Regulation 36 shall apply with respect to the procedure to be followed by the exporter; Form B and Form D shall not be used in connection with such exports.

39. Regulation 33 is amended by striking out Paragraph (b) thereof and substituting therefor the following:

"(b) At the time of purchasing foreign exchange, except in cases for which no permit is required pursuant to Regulation 29, or applying for permission to pay Canadian Dollars, in connection with any such unlicensed imports, the importer shall produce to his Authorized Dealer one copy of each relative Customs import entry, appraisal note or Customs Invoice in lieu thereof, stamped and attested by a Customs official. The Authorized Dealer shall mark each such Customs document to indicate it has been used for the purposes of this Regulation (any stamp containing the name of the bank and branch, and the date, will be sufficient) and return the document to the importer. No authorized Dealer shall sell foreign exchange, except in cases for which no permit is required pursuant to Regulation 29, or issue a permit for the payment of Canadian Dollars, in payment for any such unlicensed imports unless the importer presents Customs import documents as aforesaid, not previously used for such purpose, to an amount approximately equal to the value of the foreign exchange or Canadian Dollars in question, nor unless the importer states in his application that it relates to imports represented by the said import documents and lists the Customs identification numbers thereof. Provided, however, that an Authorized Dealer may, in his discretion, sell foreign exchange or issue a permit for the payment of Canadian Dollars in advance of the importation, if satisfied that the relative imports will be made and that import documents will be subsequently presented, as aforesaid, and in any such case the Authorized Dealer shall report to the Board if the said import documents are not presented on or about the date indicated in the importer's application for foreign exchange or for permission to make payment in Canadian Dollars. Any Authorized Dealer to whom application is made for foreign exchange pursuant to Regulation 29 in connection with a payment for imports may in his discretion require production of import documents or other evidence sufficient to satisfy him that the foreign exchange or Canadian Dollars in question are required for the purpose of making payment for imports as stated by the applicant."

Certified to be a true copy and in accordance with the Minutes of the Board.

G. F. TOWERS,
Chairman.

Order in Council authorizing medical care, etc.—Canadian salt-water fishermen
P.C. 3492

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 10th day of November, 1939

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL

Whereas under Order in Council P.C. 3359, dated November 10, 1939, provision is made for the payment of pensions to such persons employed in ships of Canadian registry or licence and such Canadian salt-water fishermen as, in the pursuit of their callings, suffer disability or death during the war with the German Reich, as a result of enemy war-like action or counter-action against the same;

And whereas under the provisions of Part V of the Canadian Shipping Act (Chapter 44 of the Statutes of 1934, as amended), free treatment may be provided for such persons employed in ships of Canadian registry and for certain Canadian salt-water fishermen who may suffer disability as aforementioned;

And Whereas the Minister of Pensions and National Health reports that there are, however, certain Canadian salt-water fishermen who are not entitled to receive free treatment under the provisions of Part V of the said Act; and

That, in his opinion, all persons employed in ships of Canadian registry and all Canadian salt-water fishermen who, in the pursuit of their callings, suffer disability as a result of enemy war-like action or counter-action taken against the same, should be placed on a parity, not only with respect to payment of pensions but also with respect to the provision of free treatment on account of such disability;

Now, therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health and under and by virtue of the War Measures Act, Chapter 206, R.S.C., 1927, is pleased notwithstanding anything to the contrary contained in the Canada Shipping Act or any other Act or Regulation, to make the following regulations and they are hereby made and established accordingly:—

REGULATIONS

1. In these regulations, unless the context otherwise requires,
 - (a) "War with the German Reich" means the war into which Canada entered on the 10th day of September, 1939;
 - (b) "Canadian salt-water fisherman" means a person of Canadian nationality employed upon a fishing vessel or boat engaged in the fishing industry of Canada in tidal waters;

2. Free medical, surgical, or other treatment, as the case requires, shall be provided by the Department of Pensions and National Health for all Canadian salt-water fishermen who, while serving upon any fishing vessel or boat engaged in the Canadian salt-water fishing industry during the war with the German Reich, suffer disability as a result of enemy war-like action or counter-action taken against the same; provided that such fishermen are not otherwise entitled to such free treatment under the provisions of Part V of the Canada Shipping Act;

3. The cost of such free treatment in the next preceding regulation mentioned shall be chargeable against funds provided under the War Appropriation Act, 1939; provided that such cost shall be recouped from funds accruing to the Custodian of Enemy Property as and when available.

(Sgd.) H. W. LOTHROP
Assistant Clerk of the Privy Council

Order in Council authorizing Industrial Disputes Investigation Act to apply to Government War Contracts

Canada Gazette, 2nd December, 1939

P.C. 3495

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 7th day of November, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under and in virtue of the War Measures Act (chap. 206, R.S.C. 1927), is pleased to order and it is hereby ordered that the provisions of the Industrial Disputes Investigation Act (chap. 112, R.S.C., 1927), other than section 64 thereof, shall specifically apply in respect of any

dispute between employers and employed engaged in the construction, execution, production, repairing, manufacture, transportation, storage or delivery of munitions of war or supplies, and in respect also of the construction, remodelling, repair or demolition of defence projects, as hereinafter respectively defined, intended for the use of His Majesty's naval, military or air forces or for the use of the forces of any of His Majesty's allies in the present war.

His Excellency in Council is hereby further pleased to order that in and for the purposes of this Order,

- (a) "munitions of war" means arms, ammunition, implements of war, naval, military or air stores, or any articles deemed capable of being converted thereinto, or made useful in the production thereof;
- (b) "supplies" includes materials, equipment, ships, aircraft, automotive vehicles, goods, stores and articles or commodities of every kind including, but not restricting the generality of the foregoing (i) articles and equipment which, in the opinion of the Minister of Labour, would be essential for the needs of the Government or of the community in war; and (ii) anything which, in the opinion of the Minister of Labour, is, or is likely to be, necessary for or in connection with the production, storage or supply of any such article as aforesaid;
- (c) "defence projects" includes the construction, erection, repair, improvement or extension of buildings, aerodromes, airports, dockyards, roads, defence fortifications or other naval, military or air force works.

(Sgd.) H. W. LOTHROP
Assistant Clerk of the Privy Council

Order in Council requiring stiffening in Canadian ships

P.C. 3531

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 7th day of November, 1939

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of National Defence reports that it is necessary to provide stiffening to enable the installation of defensive armament in merchant ships;

That in respect of ships of Canadian Registry already built, action to install the necessary stiffening is being taken at the expense of the Canadian Government; and

That ships now under construction or to be constructed in Canada for Canadian Registry should be provided with the necessary stiffening whilst in process of construction;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under the provisions of the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, is pleased to order and it is hereby ordered that all ships of 500 gross tons or over under construction on the date hereof, and all such ships which may in future be constructed in Canada for Canadian Registry, shall be provided, at the expense of the owner, with such stiffening as may be determined to be necessary by competent naval authority.

(Sgd.) H. W. LOTHROP
Assistant Clerk of the Privy Council

Order in Council regulating issue of licences for export of fibre flax seed

P.C. 3532

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 7th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of Agriculture reports that he has received representations from the Agricultural Supplies Committee:

1. That there is in prospect a serious shortage of fibre flax in Great Britain;
2. That the Fibre Control Board of Great Britain has offered to Canada a guaranteed market up to 10,000 tons per annum;
3. That while the Canadian 1939 crop amounts to only some 1,300 tons, Mr. A. Fyfe, official representative of the Fibre Control Board, is at present in Canada with a view to purchasing these supplies;
4. That while recognizing the impracticability of Canada's supplying in 1940—10,000 tons of fibre flax, Mr. Fyfe has, since his arrival here, urged the importance of organizing production to ensure at least 5,000 tons; and
5. That, owing to strong demand at the present time in the United States for fibre flax, there is a possibility that a part of the small supplies available in Canada this year may find a market in that country, despite the fact that the Fibre Control Board is prepared to pay the equivalent of the net return available from that market.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under and by virtue of the powers in that behalf conferred by the War Measures Act, 1914, is pleased to order and it is hereby ordered that, until further notice, licences for export of fibre flax from Canada be withheld unless recommended by the Minister of Agriculture.

(Sgd.) **H. W. LOTHROP**

Assistant Clerk of the Privy Council

Order in Council authorizing Department of National Defence to lease accommodation for Naval, Military and Air Forces

P.C. 3556

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 9th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of National Defence reports that the provision of accommodation, (other than office accommodation), for the purposes of the Naval, Military and Air Forces of Canada, is a matter of pressing importance by reason of the approaching winter season and the facilities which would thereby be afforded for the proper training and maintenance of discipline of the members of the Forces concerned;

That the Department of Public Works, through the Deputy Minister of that Department, has stated that with respect to the provision of office accommodation it will continue to negotiate and enter into leases therefor, but that

in respect of accommodation required by the Department of National Defence for other purposes it considers that this is a matter which should be dealt with entirely by the Department of National Defence;

That the nature of the accommodation required by the Department of National Defence (other than office accommodation), for the purposes aforesaid, and the period for which the same is required, can only be determined by the exigencies of the situation as they exist at the moment, whereof that Department is in the best position to judge; and

That it would tend to the interests of efficiency and be in the best interests of economy if, subject to certain limitations, leases for accommodation (other than office accommodation), required by the Department of National Defence for the purposes of the Naval, Military and Air Forces of Canada, could be entered into under the authority of the Minister of National Defence;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Statute, Order or Regulation, is pleased to order and doth hereby order as follows;—

1. The Minister of National Defence may, on behalf of His Majesty The King, in the Right of the Dominion of Canada, lease accommodation (other than office accommodation), required by the Department of National Defence for the purposes of the Naval, Military and Air Forces of Canada, when the monthly rate of rental payable in respect of such accommodation does not exceed the sum of \$350, and the term of the said lease does not exceed one year, provided that no lease shall be entered into in any case where the monthly rate of rental exceeds \$350, or the term thereof exceeds one year, without the approval of the Governor General in Council first being had and obtained.

2. All leases already entered into by the Minister of National Defence, on behalf of His Majesty, in the Right of the Dominion of Canada, which are for a term not exceeding one year, and in respect of which the monthly rate of rental does not exceed \$350, shall be deemed to have been entered into in accordance with the authority granted under the immediately preceding paragraph of this Order.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council authorizing issue of licence—Trawler of French registration

P.C. 3572

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 9th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of National Revenue reports that application has been made by Maritime National Fish Limited, of Halifax, Nova Scotia, for the transfer of the trawling licence now issued for the Canadian owned and registered vessel "Venosta" to the vessel "Administrateur Debournat", which vessel is a British built steam trawler registered at St. Pierre and fishing under the flag of the French Republic;

That in support of the application it is stated that the "Venosta" is one of three trawlers, the property of Maritime National Fish Limited, which have

been requisitioned for the Naval Service by the Minister of National Defence, and the company has been unable to purchase or charter any other suitable vessel of British registry and finds it impossible to conduct its business; and

That it is advisable for the security, defence and welfare of Canada that the supply of fish be maintained;

Now, therefore, his Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue, concurred in by the Minister of Fisheries, and under the authority of Section 3 of The War Measures Act, is pleased to order that the provisions of sub-section (2) of Section 56 of The Fisheries Act, 1932, be and they are hereby waived to enable the French registered steam trawler "Administrateur Debournat" to enter and leave the port of Halifax while under charter to Maritime National Fish Limited, under licence to be issued by the Minister of Fisheries, for the purposes specified in Section 56 of The Fisheries Act, 1932, while such vessel is chartered by Maritime National Fish Limited.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council amending P.C. 3042 (11th October, 1939)

Canada Gazette, 25th November, 1939

P.C. 3607

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 14th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Acting Minister of Justice reports:

1. That Order in Council, P.C. 3042, of the 11th day of October, 1939, which made certain orders and regulations for the prevention of the use or possession of firearms, ammunition, dynamite, gunpowder or other dangerous explosive within Canada by enemy aliens, purports to be made under the provisions of section 6 of the War Measures Act 1914;

2. That the War Measures Act 1914, being Chapter 2 of the Statutes of 1914, Second Session, was repealed by Schedule A to the Revised Statutes of Canada 1927;

3. That the War Measures Act, 1914, was consolidated in the Revised Statutes of Canada and appears therein as Chapter 206 of the said Revised Statutes; and

4. That the authority for the said Order in Council should have been recited as section 3 of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Justice, is pleased to amend Order in Council P.C. 3042, dated the 11th October, 1939, and it is hereby amended by striking out in the enacting clause the following words "section 6 of the War Measures Act 1914", and by substituting therefor the following words "section 3 of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927".

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council amending regulations—Registration of Aliens—P.C. 3342

Canada Gazette, 25th November, 1939

P.C. 3623

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 14th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas by Order in Council P.C. 3342, of the 26th day of October, 1939, Regulation 26A of the Defence of Canada Regulations, was made providing that the provisions of Regulations 24, 25 and 26 of the said Defence of Canada Regulations shall apply mutatis mutandis to all persons born in territories which were under the sovereignty or control of the German Reich on September 3, 1939, who are not naturalized British subjects;

And whereas the Acting Minister of Justice reports that since the passing of this Order in Council representations have been made to the effect that certain persons of undoubted loyalty might be exempted from the operation of the provisions of the said Regulations relating to enemy aliens;

Now Therefore His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Justice, and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is hereby pleased to add the following Proviso to Regulation 26A, which was established by the said Order in Council, P.C. 3342, namely;

Provided that in the case of any such person the Registrar General may issue a certificate exempting such person from the operation of the provisions relating to enemy aliens.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council extending term of service—officers and ratings,
Royal Canadian Navy

P.C. 3675

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 15th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of National Defence reports that it is expedient in the present emergency to extend for a greater period than that authorized by Sections 13, 18 and 28 of the Naval Service Act, Chapter 139 Revised Statutes

of Canada, 1927, the service of all classes of men serving in the Naval Service of Canada, who have been or who may hereafter be called into active service, whose term of service may have expired or may expire during the present period of hostilities;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased notwithstanding the provisions of any other Act or Regulation, to order that all classes of men in the Royal Canadian Navy, Royal Canadian Naval Reserve, and Royal Canadian Naval Volunteer Reserve, who have been or who in future may be called into active service, whose term of service may have expired or may expire during the present period of hostilities, be and they are hereby required to serve for a period of five years from the expiration of their respective terms of service, if their services be so long required.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council authorizing appointment of Transport Controller

Canada Gazette, November 25, 1939

P.C. 3677

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 15th day of November, 1939.

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL

Whereas Section 3 (d) of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, provides that the Governor in Council may make such orders and regulations as he may, by reason of the existence of real or apprehended war, deem necessary or advisable for the security, defence, peace, order and welfare of Canada in matters of transportation by land, air or water, and the control of the transport of persons and things;

And whereas the Minister of Transport reports that for the purpose of maintaining supplies and services necessary to the effective prosecution of the war, it is desirable to provide for the control of transportation by land and water in order to avoid waste, confusion and duplication of effort on the part of the various agencies of transport, to the end that the movement of troops, naval forces, materials and supplies required in the prosecution of the war, and the maintenance of supplies and services necessary to the life of the community may be made in a prompt, efficient and orderly manner, having regard to the degree of importance, for the time being, of each particular movement;

That for the purposes of such control it is expedient that applications for priority of transportation of troops, naval forces, materials and supplies on behalf of the Canadian government, the British government, and the government of France, or any other government, or agencies of such governments, shall be made through the Department of Transport, and that an Officer be appointed to deal with such applications in order to determine the preference or priority of movement to be given to such troops, naval forces, materials and supplies, and also to deal in like manner with any applications which may be made on behalf of private parties for priority of movement with respect to the transport of materials and supplies between points or places in Canada or between points or places in Canada and points or places in the United Kingdom or any other of His Majesty's dominions or any Allied State;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, and pursuant to the aforementioned provisions of the War Measures Act, is pleased to order as follows:—

(1) Authority is hereby given for the appointment, by the Minister of Transport, of an officer to be known as the Transport Controller, whose duty it shall be to deal with all applications made on behalf of the above-mentioned governments or agencies in order to determine, from time to time, the preference or priority of movement to be given to any class or classes of troops, naval forces, materials or supplies on behalf of the above-mentioned governments or agencies according to the necessities of the case, and also in like manner to deal with such applications as may from time to time be made on behalf of private parties for priority of movement with respect to the transport of materials and supplies between points or places in Canada or between points or places in Canada and points or places in the United Kingdom or any other of His Majesty's dominions or any Allied State;

(2) All persons, companies, agencies, organizations and associations in any manner whatsoever interested in or concerned with the transportation aforesaid and all owners or charterers of British ships registered in Canada in which cargo space may be required, shall, in such matters, act upon and in accordance with the orders issued by the said Transport Controller acting on behalf of the Minister of Transport;

(3) The said Transport Controller shall co-operate with the Canadian representative of the British Ministry of Shipping in all matters relating to the transportation of troops, naval forces, materials and supplies required by the British government in the prosecution of the war;

(4) Authority is hereby given for the appointment, by the Minister of Transport, of such staff and organization at Ottawa and elsewhere in Canada as may be required by the said Transport Controller, and for the payment of the salaries and expenses of the said Transport Controller, his staff and organization, and for the making, by the Minister of Transport, of such rules and regulations as, in the opinion of the Minister, may be required for the purpose hereof;

(5) This Order in Council shall come into force upon publication thereof in the *Canada Gazette*, but not before November 30, 1939.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council amending P.C. 2516—Necessaries of Life

P.C. 3691

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 17th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports:—

1. That Order in Council, P.C. 2516, of the 3rd day of September, 1939, which made certain regulations respecting necessities of life, purports to be made under the provisions of section 6 of the War Measures Act 1914.

2. That the War Measures Act 1914, being Chapter 2 of the Statutes of 1914, Second Session, was repealed by Schedule A to the Revised Statutes of Canada 1927.

3. That the War Measures Act 1914 was consolidated in the Revised Statutes of Canada and appears therein as Chapter 206 of the said Revised Statutes.

4. That the authority for the said Order in Council should have been recited as section 3 of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927.

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to amend said Order in Council and it is hereby amended by striking out in the enacting clause the following words "section 6 of the War Measures Act, 1914," and by substituting therefor the following words "section 3 of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927."

(Sgd.) H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Order in Council amending P.C. 2621—Agricultural Supplies Committee

P.C. 3692

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 17th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports:—

1. That Order in Council, P.C. 2621, of the 9th day of September, 1939, establishing the Agricultural Supplies Committee, purports to be made under the provisions of the War Measures Act, 1914.

2. That the War Measures Act 1914, being Chapter 2 of the Statutes of 1914, Second Session, was repealed by Schedule A to the Revised Statutes of Canada 1927.

3. That the War Measures Act 1914 was consolidated in the Revised Statutes of Canada and appears therein as Chapter 206 of the said Revised Statutes.

4. That the authority for the said Order in Council should have been recited as the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927.

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to amend said Order in Council and it is hereby amended by striking out in the enacting clause the following words "the War Measures Act 1914," and by substituting therefor the following words "the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927."

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council amending P.C. 3124—Fertilizer licence to export
P.C. 3693

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 17th day of November, 1939.

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports:—

1. That Order in Council, P.C. 3124, of the 12th day of October, 1939, respecting licences for export from Canada of fertilizers, purports to be made under the provisions of the War Measures Act, 1914.

2. That the War Measures Act 1914, being Chapter 2 of the Statutes of 1914, Second Session, was repealed by Schedule A to the Revised Statutes of Canada 1927.

3. That the War Measures Act 1914 was consolidated in the Revised Statutes of Canada and appears therein as Chapter 206 of the said Revised Statutes; and

4. That the authority for the said Order in Council should have been recited as the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927.

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to amend said Order in Council and it is hereby amended by striking out in the enacting clause the following words "the War Measures Act, 1914," and by substituting therefor the following words "the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927."

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council amending P.C. 3183—Sale of Codeine

P.C. 3694

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 17th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports:—

1. That Order in Council, P.C. 3183, of the 18th day of October, 1939, which made certain regulations amending the provisions of Order in Council, P.C. 2635, of the 11th day of September, 1939, purports to be made under the provisions of the War Measures Act, 1914;

2. That the War Measures Act 1914, being Chapter 2 of the Statutes of 1914, Second Session, was repealed by Schedule A to the Revised Statutes of Canada 1927.

3. That the War Measures Act 1914 was consolidated in the Revised Statutes of Canada and appears therein as Chapter 206 of the said Revised Statutes; and

4. That the authority for the said Order in Council should have been recited as the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927.

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to amend said Order in Council and it is hereby amended by striking out in the enacting clause the following words "the War Measures Act 1914," and by substituting therefor the following words "The War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927."

(Sgd.) H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Order in Council authorizing development of aerodromes by Minister
of Transport

P.C. 3710

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 17th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence and the Minister of Transport report that it will be necessary to develop a number of aerodromes for the purpose of the scheme for the training of Air Force personnel of the United Kingdom and Dominions in Canada; and

That, in view of the extensive experience which the Department of Transport has had in the development of aerodromes on the route of the Trans-Canada Air Lines, the technical officers concerned of the Departments of Transport and National Defence, consider that the technical officers of the Depart-

ment of Transport can most expeditiously undertake the selection, survey, acquisition and construction of the aerodromes;

Now, therefore, His Excellency the Governor General in Council, on the joint recommendation of the Minister of National Defence and the Minister of Transport, and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Act, Regulation or Order, is pleased to order and doth hereby order that the Minister of Transport shall undertake forthwith,—

- (a) The selection of suitable aerodrome sites subject to approval of suitability by the technical officers of the Department of National Defence.
- (b) The survey of the sites to verify suitability for economical development.
- (c) The preparation of development plans and specifications subject to approval of the technical officers of the Department of National Defence.
- (d) The acquisition of the necessary properties involved.
- (e) The development and construction of the said aerodromes, excepting the construction of buildings and hangars.

His Excellency in Council is hereby further pleased to order that all expenditure in connection with the foregoing shall be made a charge against the moneys appropriated by Parliament for the Department of National Defence.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council authorizing form of Agreement—Certified seed potatoes
P.C. 3711

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 17th November, 1939.

The Committee of the Privy Council have had before them a report, dated the 10th November, 1939, from the Minister of Agriculture, stating:

That, under the provisions of The War Measures Act, a Committee known as The Agricultural Supplies Committee, was set up by Order in Council P.C. 2621 of September 9, 1939, for the purposes therein stated; and

That, by Order in Council P.C. 3292 of October 25, 1939, the Agricultural Supplies Committee was authorized to contract for the purchase of disease free foundation seed potatoes up to a maximum of 40,000 bushels as set out in the said Order in Council.

The Minister therefore recommends that the form of contract hereto attached for use in purchasing such potatoes be approved and that authority be granted for the execution of all such contracts by the Acting Chairman and Secretary of the Agricultural Supplies Committee on its behalf.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council authorizing payment of Aircraft for United Kingdom

P.C. 3712

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 17th November, 1939.

The Committee of the Privy Council have had before them a report, dated 16th November, 1939, from the Minister of Finance, submitting:

1. That a contract has been entered into on behalf of His Majesty's Government in the United Kingdom (hereinafter called the Government of the United Kingdom) for the purchase of 600 Harvard Airframes and 750 engines for them from the North American Aviation Inc., at a price of approximately \$20,000,000 U.S. Funds;

2. That under the terms of the said contract the first payment of \$2,989,381.32 U.S. Funds or 15 per cent of the contract price is payable on November 23, 1939, in New York and a second payment of \$996,460.44 U.S. Funds or 5 per cent of the contract price is payable on December 15, 1939, in New York, the aggregate amount of the first and second payments being \$3,985,841.76 in U.S. Funds;

3. That the Government of the United Kingdom has requested the Government of Canada to make an advance to the Government of the United Kingdom to enable the first payment and, if necessary, the second payment required to be made under the said contract, with the undertaking of the Government of the United Kingdom to the effect that such advance will be dealt with as a transaction separate from any settlement of other financial matters outstanding between the two Governments and will be cleared up within four weeks of the first payment;

4. That Section 3 of the War Appropriation Act, 1939, reads as follows:

"3. The Government of Canada may act as the agent of the Government of any British or foreign country allied with His Majesty for any purpose which, in the opinion of the Governor in Council, will aid directly or indirectly in the prosecution of the war, and any recoverable costs assumed temporarily by the Government of Canada may be paid out of any unappropriated moneys in the Consolidated Revenue Fund."

5. That in the opinion of the Minister of Finance an advance to the Government of the United Kingdom for the purposes above mentioned will aid directly in the prosecution of the war.

The Committee, therefore, on the recommendation of the Minister of Finance, advise that under the War Appropriation Act, 1939, authority be granted to advance in accordance with the above request and undertaking, out of any unappropriated moneys in the Consolidated Revenue Fund, to the Government of the United Kingdom sums not exceeding \$3,985,841.76 U.S. Funds in the aggregate, such advance to be effected by the making by the Government of Canada as the agent of the Government of the United Kingdom, of the following payments:

- (a) On November 23, a payment of \$2,989,381.32 U.S. Funds to the account of the North American Aviation Inc., of 1775 Broadway, New York, at the National City Bank of New York, 57th Street Branch, New York;
- (b) On December 15 (if required by the Government of the United Kingdom) a payment of \$996,460.44 U.S. Funds to the account of the North American Aviation Inc., of 1775 Broadway, New York, at the National City Bank of New York, 57th Street Branch, New York.

The Committee further advise that the Minister of Finance be hereby authorized and directed to take all such steps and do all such acts and things as may be necessary or desirable to give effect to the provisions hereof.

(Sgd.) H. W. LOTHROP
Assistant Clerk of the Privy Council.

Order in Council authorizing Censorship Regulations—Port of Halifax

P.C. 3731

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 17th day of November, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of National Defence, with the concurrence of the Secretary of State of Canada, reports that in view of the fact that the Port of Halifax has become a naval operating base of considerable importance it is expedient in the public interest to institute certain censorship measures in respect of communications transmitted from or to the area of the said Port in order to prevent the leakage of Military information of vital importance therefrom;

That under the provisions of Regulation No. 13, of the Defence of Canada Regulations, the power to institute censorship with respect to land lines is specifically reserved to the Secretary of State of Canada;

That the said power was reserved to the Secretary of State of Canada to the end that the censorship of press despatches might be effectively carried out;

That experience has shown that such power is not required for the exercise of a censorship of press despatches; and

That it is expedient, as a measure of Military security, to censor telegraph measures originating in or addressed to the Halifax area;

Now, therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada 1927, is pleased to amend the Defence of Canada Regulations (P.C. 2483, 3rd September, 1939) and they are hereby amended as follows:—

1. Sub-paragraphs (a) and (b) of paragraph (5) of Regulation No. 13, are hereby deleted and the following substituted therefor—

(a) With reference to the operations, works or property of any cable company, telegraph company or telephone company and so far as concerns trans-oceanic radio communications with reference to the operations, offices, works or property of any radio telegraph company, the Minister of National Defence.

2. Sub-paragraph (c) of Paragraph (5) of the said Regulation No. 13 is re-lettered (b).

(Sgd.) H. W. LOTHROP
Assistant Clerk of the Privy Council.

Order in Council authorizing co-operation—Royal Canadian Navy with
Royal Navy—P.C. 2638 rescinded

P.C. 3732

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 17th day of November, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada 1927, and notwithstanding the provisions of any other Act or Regulations, is pleased to order and it is hereby ordered that all Canadian Naval Establishments and all H.M.C. Ships now in commission or to be commissioned, together with the officers and seamen serving therein, shall during the present war co-operate to the fullest extent with the Royal Navy, and with all other Naval Forces of His Majesty.

His Excellency in Council, on the same recommendation, is further pleased to cancel Order in Council of the 14th September, 1939 (P.C. 2638), and it is hereby cancelled accordingly.

(Sgd.) H. W. LOTHROP

Assistant Clerk of the Privy Council.

Canada Gazette, 21st November, 1939

GOVERNMENT NOTICE

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA

To all to whom these Presents shall come or whom the same may in anywise concern, GREETING:

Whereas Regulation 15 of the Defence of Canada Regulations provides that the Secretary of State of Canada may make provision by Order for preventing or restricting the publication in Canada of matters as to which he is satisfied that the publication thereof would or might be prejudicial to the safety of the State or the efficient prosecution of the war, and that any such order may contain such incidental and supplementary provisions as may appear to the Secretary of State to be necessary or expedient for the purposes of the Order.

And whereas it has been represented to the undersigned that the Communist newspaper *Clarion* has been disseminating subversive propaganda.

And whereas the press censors, after careful consideration, have come to the conclusion that immediate action should be taken to prevent the dissemination of this and similar subversive propaganda emanating from the same source.

And whereas the Director of Censorship concurs in the recommendation of the press censors.

Know you that the undersigned, the Acting Secretary of State of Canada, pursuant to the powers vested in him by Regulation 15 of the Defence of Canada Regulations, is pleased to order and doth hereby order that the publication of the Communist newspaper *Clarion* be prohibited.

Dated at the Department of the Secretary of State, at the City of Ottawa, this twentieth day of November, in the year of Our Lord, one thousand nine hundred and thirty-nine.

ERNEST LAPOINTE,

Acting Secretary of State.

Order in Council authorizing Wartime Prices and Trade Board to fix
maximum prices for Wool

Canada Gazette, 25th November, 1939

P.C. 3776

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2516 of the 3rd day of September, 1939, as amended by Order in Council P.C. 2625 of the 9th day of September, 1939, the Wartime Prices and Trade Board is empowered, subject to the approval of the Governor in Council, to fix maximum prices or margins of profit at which any necessary of life may be sold or offered for sale;

And whereas by Order in Council P.C. 2754 of the 19th day of September, 1939, the appointment by the said Board of David C. Dick, Esquire, as Wool Administrator was approved;

And whereas on the recommendation of the said Wool Administrator, the Board deems it to be in the public interest to fix maximum prices for fleece and pulled wools, domestic or imported, of qualities known commercially as "44s to 50s" inclusive, and for tops, domestic or imported, of similar qualities;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to the power conferred by the War Measures Act or otherwise vested in the Governor General in Council, is pleased to approve and doth hereby approve the exercise by the Wartime Prices and Trade Board of the power to fix maximum prices for the aforesaid wools and tops, under such conditions as to grading and appraisal as may be ordered by the said Board.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council directing no account shall be taken of appreciation
in value of ships requisitioned. (P.C. 2815 amended)

Canada Gazette, 2nd December, 1939

P.C. 3785

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 22nd November, 1939.

The Committee of the Privy Council have had before them a report, dated November 21, 1939, from the Minister of Transport, representing:

That under Order in Council P.C. 2815 of the 22nd September, 1939, authority was given for the appointment, by the Minister of Transport, of Advisory Boards, one for the Pacific coast, and one for the Great Lakes, River St. Lawrence and Atlantic coast, to consider and make recommendations to the Director of Marine Services of the Department of Transport, in each case referred by him to either of such Advisory Boards, as to a fair compensation to be made to the owner of a vessel requisitioned for His Majesty's service pursuant to the provisions of paragraph (1) of Regulation 48 of the Defence of Canada Regulations; and

That it is deemed expedient to direct that the Advisory Boards, appointed pursuant to the provisions of the said Order in Council P.C. 2815, in considering the amount of a fair compensation to be made to the owner of a vessel requisitioned for the use of His Majesty, pursuant to the provisions of the said Regulation, base their recommendations to the said Director of Marine Services on the principle that, in determining a fair compensation payable for the use of a vessel requisitioned as aforesaid, no account shall be taken of appreciation in value due to the emergency of war.

The Minister, therefore, on the advice of the Director of Marine Services of the Department of Transport, concurred in by the Deputy Minister of Transport, recommends that, under and by virtue of the powers conferred by the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, the said Order in Council P.C. 2815 of September 22, 1939, be amended to provide that the Advisory Boards appointed thereunder by the Minister of Transport, be directed to base their recommendations to the said Director of Marine Services, in each case referred by him to either of such Advisory Boards, on the principle that, in determining a fair compensation to be made to the owner of a vessel requisitioned for His Majesty's service pursuant to the provisions of paragraph (1) of Regulation 48 of the Defence of Canada Regulations, no account shall be taken of appreciation in value of such vessel due to the emergency of war.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council making War Supply Board responsible to Minister of Transport

P.C. 3786

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Right Honourable the Prime Minister, with the concurrence of the Minister of Finance and the Minister of Transport, and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend Order in Council P.C. 2696 dated September 15, 1939, establishing the War Supply Board, and it is hereby amended by striking out paragraph (b) of Section 1 thereof and substituting therefor the following:

"(b) "Minister" means the Minister of Transport;"

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council amending Foreign Exchange Control Regulations

Canada Gazette (Extra), November 22, 1939

P.C. 3799

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council on the recommendation of the Minister of Finance and under and by virtue of the provisions of the War Measures Act, is pleased to amend the Foreign Exchange Control Order (P.C. 2716 dated September 15, 1939, as amended by P.C. 2852 dated September 25, 1939), and it is hereby further amended as follows:

1. Paragraph (k) of subsection (2) of Section 2 of the said Order is amended by adding thereto the following:

"Any person who was a resident on September 15, 1939, or at any subsequent time shall thereafter be deemed to be a resident for the purposes of this Order unless the Board makes a finding to the contrary."

2. The following Section is hereby added after Section 18 of the said Order:

"Change of Residence"

18A. Any non-resident becoming a resident subsequent to September 15, 1939, shall forthwith declare to the Board, in such manner as the Board may determine, all foreign exchange and foreign securities which, or any right, title or interest in or to which, is in the possession, ownership or control of such person at the time of becoming a resident, and in case of doubt the Board may determine, for the purposes of this Order, the time at which such person became a resident.

3. The following Sections are hereby added after Section 19 of the said Order:

"Kinds of Foreign Currency Required for Exports and other Transactions"

19A. The Board may from time to time prescribe the foreign currencies which may or may not be received in connection with exports or other transactions involving foreign exchange, with respect to particular transactions or kinds of transactions, and in any such case it shall be unlawful for any person, except as permitted by the Board, to engage in any such transaction for payment otherwise than in accordance with the ruling of the Board.

"Prepayment of Freight on Exports"

19B. If freight is to be prepaid on any shipment of goods exported from Canada, the exporter of such goods must, unless the Board otherwise provides, pay or agree to pay the cost of each freight to the transportation company concerned, and must charge the same to his customer as follows:

(a) If the goods are being exported for payment in foreign exchange the exporter shall charge his customer with the equivalent of the cost of the freight either in the same foreign currency as the goods were sold or in the foreign currency, if any, in which the freight was paid.

(b) If the goods are being exported for payment in Canadian dollars under a permit from the Board the exporter shall charge his customer with the cost of such freight either in Canadian dollars, in which case payment must be obtained in the same manner as is required for payment for the goods, or in the equivalent amount of foreign exchange.

4. The following Sections are hereby added after Section 21 of the said Order:

"Export of Capital."

21A. (1) Unless the Board otherwise provides, no person shall make an export of capital from Canada except as permitted by the Board.

(2) Without restricting the generality of the expression "export of capital," each of the following shall be considered to be an export of capital, if effected directly or indirectly by any person:

(a) The making of any export shipment from Canada of goods or other property having a fair value in excess of \$100 for which no payment is to be received, or at a price less than the fair value thereof;

(b) The importation of any goods or other property into Canada at a price in foreign exchange greater than the fair value thereof, or the payment to a non-resident for goods or other property imported into Canada of an amount in foreign exchange greater than the fair value thereof;

(c) The sale of any goods or other property for export, or the sale of any goods or other property exported from Canada, in either case on terms which provide for payment more than six months after shipment from Canada, except that where any goods are shipped on consignment within the usual course of the exporter's business it shall be permissible to provide for payment not more than six months after the date of sale of such goods;

(d) Failure to take reasonable steps to collect any debt owing by a non-resident with respect to goods or other property exported or to be exported from Canada, or the granting of an unreasonable extension of time for payment of any such debt;

Provided, however, that this subsection shall not apply with respect to the export or sale of goods or other property, or the collection of any debt resulting therefrom, by a non-resident who has previously paid to a resident an amount not less than the fair value thereof in foreign exchange or, if so permitted by the Board, in Canadian dollars, nor with respect to the export or sale of any goods or other property to the government of the United Kingdom or of any country in the British Empire or to any allied government in the present war.

(3) Without restricting the generality of the expression "export of capital" or the operation of subsection (2), each of the following shall be considered to be an export of capital if effected directly or indirectly by any resident:

(a) The transfer to a non-resident of any property situated abroad or any foreign securities held in Canada or abroad or any claim upon a non-resident, having a fair value in excess of \$100, except for payment of the fair value thereof in foreign exchange not more than six months after the date of the transfer, or, if so authorized by the Board, for payment of the fair value thereof in Canadian dollars not more than six months after the date of the transfer.

(b) The acceptance of payment in Canadian dollars in satisfaction of all or part of any debt owing in foreign exchange to such resident by a non-resident.

(c) The waiver or relinquishment of, or the failure to take reasonable steps to acquire title to, any foreign exchange or foreign securities, or any debt owing by a non-resident in foreign exchange, or any property situated abroad, or any right, title, or interest in or to any such foreign exchange, foreign securities, debt or property, to which such resident is or may be entitled.

(d) Paying or contracting to pay to a non-resident for any goods or other property situated abroad or in Canada an amount in foreign exchange which is greater than fair value thereof.

(e) Creating, acknowledging, paying or giving security for a debt in foreign exchange to a non-resident other than a debt for the fair value of goods or other property transferred or of services rendered by such non-resident, or of goods or other property received by such resident for such non-resident.

(4) Notwithstanding any other provisions of this section, it shall not be considered to be an export of capital, unless the Board otherwise provides, to export securities beneficially owned by a non-resident or to transfer to a non-resident securities or other property beneficially owned by such non-resident.

(5) For the purposes of this section the Board shall have full power to determine what constitutes the fair value of any goods or other property exported, transferred, received or imported by a resident company or branch to or from any non-resident parent, subsidiary, affiliated or associated company or branch.

(6) A licence, permit or exemption granted by or on behalf of the Board with relation to any property, whether or not the value or the purported value of such property is stated therein, shall not be deemed to constitute any acknowledgement by the Board or other evidence of the fair value of such property nor to authorize any action which would be in contravention of the foregoing provisions of this section unless the contrary is clearly apparent from the terms of the licence, permit or exemption or is expressly stated by the Board.

(7) The Board may, by regulation, further define what shall or shall not constitute an export of capital, provided that no such regulation shall be retroactive in effect.

(8) Nothing in this section shall be construed so as to authorize any transaction which is rendered unlawful under any other section of this Order or which requires any licence, permit or other authorization granted by or on behalf of the Board.

"Export of Services"

21B. (1) No person shall perform services in Canada for a non-resident, and no resident shall perform services outside Canada for a non-resident, otherwise than for payment in foreign exchange of not less than the fair value thereof, unless exempted by the Board.

(2) Subsection (1) shall apply only with respect to services designated by the Board, and in such circumstances as the Board may prescribe.

5. Section 39 of the said Order is amended by adding thereto, as subsection (3), the following:

"(3) Where any person is charged with an offence under the provisions of this Order it shall not be necessary for the prosecuting authority to establish that the person so charged did not possess a licence or permit issued by or on behalf of the Board or had not been exempted from the relative provisions of this Order, and if the person so charged pleads or alleges that he had any such licence or permit or had been so exempted, the burden of proof thereof shall be on the person so charged."

6. Subsection (1) of Section 40 of the said Order is amended by adding after the words "summary conviction" where they appear therein the words "or on indictment."

7. Section 45 of the said Order is amended by adding thereto, as subsection (2), the following:

"(2) Every person having power to administer oaths or receive affidavits or statutory declarations for any purpose shall have similar power in any matter concerning this Order, and every Inspector appointed by the Board and any other person specifically designated by the Board or by any member of the Board shall have power to administer oaths and receive affidavits and statutory declarations."

8. Section 46 of the said Order is amended by adding thereto, as subsection (2), the following:

"(2) Every provincial and municipal law enforcement officer, in addition to any other authority which he may possess for the enforcement of the provisions of this Order, shall have the same power and authority as is conferred upon certain officers and employees of the Dominion Government in subsection (1) of this section."

H. W. LOTHROP

Assistant Clerk of the Privy Council.

REGULATIONS OF THE FOREIGN EXCHANGE CONTROL BOARD

Certified extract from the Minutes of a Meeting of the Foreign Exchange Control Board held at Ottawa on the 22nd day of November, 1939.

On motion duly made and seconded the following Regulations numbered 40 to 42 inclusive were passed and enacted:

40. For the period from the coming into force of this regulation up to and including the 31st day of December, 1939, no export licence will be required for the export of gifts in the form of goods or currency to a value not exceeding \$25 for each such export.

41. No person shall make any export to a country outside the British Empire for payment in sterling or in the currency of any British Empire country except by special permission of the Board.

42. After the 30th day of November, 1939, section 19 (2) of the Order shall apply with respect to sales for export entered into prior to the date on which the Order came into force in the same manner and to the same extent as in the case of sales for export entered into subsequent to the date on which the Order came into force.

Certified to be a true copy.

D. GORDON

Chairman (Alternate)

Order in Council amending Agreement—Nova Scotia Apples

P.C. 3801

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 23rd November, 1939.

The Committee of the Privy Council, on the recommendation of the Minister of Agriculture, advise that the agreement with processors of apples carrying on business in Nova Scotia with respect to the processing of apples grown in Nova Scotia, which was authorized by Order in Council P.C. 3187 of October 18, 1939, be hereby amended as follows:

That the phrase "subsection (2)" in Clause 2 (c) be changed to read "subsection (3)".

That the word "apples" in Clause 2 (c) be changed to read "processed products."

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council amending P.C. 3391—The Visiting Forces Act, 1933

P.C. 3802

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of November, 1939

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL

Whereas by an Order in Council of November 2, 1939, P.C. 3391, respecting the relationship of Military and Air Forces of Canada present in the United Kingdom and on the Continent of Europe with the Military and Air Forces of the United Kingdom, the Governor General in Council, pursuant to the provisions of The Visiting Forces (British Commonwealth) Act 1933, was pleased to order, *inter alia*,—

"3. That, in respect of any Military and Air Forces of Canada serving in the United Kingdom, those parts thereof as may from time to time be detailed for that purpose by the appropriate Canadian Service Authorities as from time to time designated by the Minister of National Defence, shall act in combination with those Forces of the United Kingdom to which the same have been so detailed."

And whereas the Minister of National Defence reports that the Deputy Minister of Justice has expressed the opinion that, having regard to the relevant provision of the said Act, namely, sub-section 5 of Section 6 thereof, he entertains considerable doubt that it is within the competence of the Governor in Council, in virtue merely of that sub-section, to delegate in the manner indicated by paragraph 3 of the Order in Council aforesaid, his power to declare when any Military and Air Forces of Canada shall be deemed to be acting in combination with Forces of the United Kingdom; and

That the Deputy Minister of Justice considers, that the Governor General in Council has power, under and by virtue of the War Measures Act, to make the declaration set out in the said paragraph 3.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, is pleased to amend the first enacting clause of Order in Council P.C. 3391, dated 2nd November, 1939, and it is hereby amended, effective the 2nd November, 1939, to read as follows:—

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and pursuant to the provisions of the Visiting Forces (British Commonwealth) Act, 1933, Chapter 21 of the Statutes of Canada, 1933, and under and by virtue of the War Measures Act, chapter 206, Revised Statutes of Canada 1927, is pleased to order and doth hereby order and declare,—

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council

**Order in Council amending Defence of Canada Regulation No. 26—
Tribunals—Appeals of interned aliens**

Canada Gazette, 2nd December, 1939

P.C. 3812

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports that the procedure relating to appeals by enemy aliens against internment, set out in paragraphs (1), (2) and (3) of Regulation 26 of the Defence of Canada Regulations, has not resulted in a prompt and just disposition of such appeals;

That in the opinion of the Minister a more speedy disposition of such appeals would result by the designation by the Minister of Justice of one or more persons for the hearing of such appeals, who would proceed to the various internment camps and dispose of same; and

That the person designated, referred to in the Regulation as a Tribunal, should be empowered to administer oaths and to receive and accept such evidence and information on oath, affidavit or otherwise as in his discretion he may deem fit and proper;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is pleased to order and doth hereby order and direct that the procedure set out in paragraphs (1), (2) and (3) of Regulations 26 of the Defence of Canada Regulations (P.C. 2483, 3rd September, 1939) shall apply only to appeals of enemy aliens, notices of which were filed with the Director of Internment Operations before the first day of November, 1939.

His Excellency in Council is further pleased, under the above cited authority, to amend the said Defence of Canada Regulations and they are hereby amended by rescinding paragraphs (1), (2) and (3) of Regulation 26 and substituting therefor the following paragraphs, which shall apply to appeals of enemy aliens filed with the Director of Internment Operations on and after the first day of November, 1939:

26(1) Any enemy alien who has been interned under the provisions of this Part, may within thirty days from the date of such internment, appeal against such internment to the person designated by the Minister of Justice for the purpose of hearing such appeals, hereinafter referred to as "The Tribunal".

(2) A written notice of appeal, signed by the appellant, shall be delivered to and filed with the person having the custody of such appellant, who shall forthwith transmit a true copy thereof to the Registrar General of Enemy Aliens and shall notify the Tribunal thereof.

(3) The Tribunal on receipt of notice of such appeals shall give such directions as may be convenient and necessary for the prompt and just hearing and disposition thereof.

(3A) The Tribunal may administer oaths and may receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it may deem fit and proper.

(Sgd.) H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Order in Council setting up Airport Zoning Regulations

Canada Gazette, 9th December, 1939

P.C. 3867

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 28th day of November, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and under and by virtue of the provisions of the War Measures Act, being Chapter 206 of The Revised Statutes of Canada, 1927, is pleased to make the annexed regulations relative to the zoning of airports in Canada, designated by the Minister of Transport for direct or indirect use for military purposes, to be cited as "The Airport Zoning Regulations, 1939", and they are hereby made and established accordingly.

(Sgd.) H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Airport Zoning Regulations, 1939

1. These Regulations shall be known as "The Airport Zoning Regulations, 1939".

2. No person shall erect or construct or cause or permit to be erected or constructed on any land adjacent to, surrounding or near any airport in Canada, designated by the Minister of Transport for direct or indirect use for military purposes, any building, chimney, pole, tower or other structure:—

- (i) (a) Exceeding a height of one foot (1') for every twenty feet (20') that such building, chimney, pole, tower or other structure is located from the boundary of such airport, provided the said building, chimney, pole, tower or other structure is not located within the flightway;
- (b) Exceeding a height of one foot (1') for every fifty feet (50') that such building, chimney, pole, tower or other structure is located from the boundary of such airport when the location of the said building, chimney, pole, tower or other structure is within the flightway.
- (ii) For the purpose of these regulations, "Landing Strip" shall be deemed to be that part of an airport which is specially prepared for the landing and taking off of aircraft; "Flightway" shall be deemed to be that area at the end of each landing strip which shall have a width of eleven hundred feet (1100') measured five hundred and fifty feet (550') in each direction at right angles to the projection of the centre line of such landing strip extending outward in horizontal direction from the boundary of such airport; and "Airport" shall mean any airport as defined in The Air Regulations, 1938, and/or any airport constructed by His Majesty under the direction of the Minister of Transport for military purposes.

3. No person shall operate or permit or cause to be operated any machine, device, contrivance, or thing, in the vicinity of any airport designated by the Minister under the next preceding Regulation after being notified by the Minister that, in his opinion, the machine, device, contrivance, or thing, causes, or is likely to cause, a hazard or obstruction to aircraft using such airport by the emission of light, smoke, fumes, or in any other manner.

4. Every person who contravenes or fails to comply with any of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred dollars (\$100), or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

5. These Regulations shall come into force with respect to any airport designated by the Minister of Transport under Regulation 2 hereof upon publication in the Canada Gazette of notice of such designation.

Order in Council amending Foreign Exchange Control Regulations

Canada Gazette (Extra) 30th November, 1939

P.C. 3878

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 28th day of November, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council on the recommendation of the Minister of Finance and under and by virtue of the provisions of the War Measures Act, is pleased to amend Order in Council P.C. 3799, dated November 22, 1939, and it is hereby amended by striking out the words "of subsection (2)" where they appear in paragraph 1 of the said Order in Council, so that the said paragraph as amended shall read as follows:

1. Paragraph (k) of Section 2 of the said Order is amended by adding thereto the following:

"Any person who was a resident on September 15, 1939, or at any subsequent time shall thereafter be deemed to be a resident for the purposes of this Order unless the Board makes a finding to the contrary."

(Sgd.) H. W. LOTHROP

Assistant Clerk of the Privy Council.

Order in Council establishing Regulations to control the flying of
civil aircraft

Canada Gazette (Extra) 9th December, 1939

P.C. 3987

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 5th day of December, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, and under and by virtue of the provisions of the War Measures Act, being Chapter 206 of The Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Act, Regulation or Order, is pleased to make the annexed regulations to control the flying of civil aircraft in Canada during war, to be cited as "The Defence Air Regulations, 1939," and they are hereby made and established accordingly.

H. W. LOTHROP

Assistant Clerk of the Privy Council.

REGULATIONS TO CONTROL THE FLYING OF CIVIL AIRCRAFT IN CANADA DURING THE WAR

1. These regulations may be cited as "The Defence Air Regulations, 1939."
2. No foreign civil aircraft shall be flown over Canada or Canadian waters, as defined by the Customs Act, unless—
 - (a) Such aircraft is operated on an international scheduled air transport service licensed by the Minister of Transport under Part VII of The Air Regulations, 1938, or
 - (b) Permission for the entry of such aircraft into Canada has been given by the District Inspector of Civil Aviation of the Department of Transport into whose district it is proposed to fly such aircraft.
3. Applications for permission for entry of foreign aircraft into Canada shall be made to the following officers of the Department of Transport in respect of each of the Customs airports noted hereunder.

Moncton or Shediac, N.B.

Montreal, P.Q.

District Inspector, Air Regulations, Room 607, 400 Youville Square,
Montreal, P.Q.

Hamilton, Toronto and Windsor, Ont.

District Inspector, Air Regulations, No. 1 Montgomery Avenue, Postal
Station "K," Toronto, Ontario.

Winnipeg, Manitoba.

District Inspector, Air Regulations, 717 Dominion Public Building,
Winnipeg, Manitoba.

Lethbridge, Alberta.

District Inspector, Air Regulations, 402 Blowey-Henry Building, Jasper
Avenue, Edmonton, Alberta.

Vancouver, B.C.

District Inspector, Air Regulations, 420 Federal Building, 325 Granville
Street, Vancouver, B.C.

Permission shall be given under this regulation for daylight flying only.

4. (a) No civil aircraft, other than an aircraft licensed to operate on a scheduled air transport service, as provided under Part VII of The Air Regulations 1938, shall be flown over any of the prohibited areas set forth in Schedule A to these regulations without the permission of one of the following officers of the Department of National Defence.—

- (i) For the Province of Nova Scotia, and prohibited areas within New Brunswick, Prince Edward Island and Quebec, the
Air Officer Commanding,
Eastern Air Command,
Royal Canadian Air Force,
17 South Street,
Halifax, N.S.
- (ii) For prohibited areas in the Province of Ontario, the
Air Officer Commanding,
Air Training Command,
Royal Canadian Air Force,
Prudential House, 55 York Street,
Toronto, Ontario.

- (iii) For prohibited areas within the Provinces of Manitoba, Saskatchewan, Alberta and British Columbia, the
Air Officer Commanding,
Western Air Command,
Royal Canadian Air Force,
715 Hastings Street West,
Vancouver, B.C.

(b) The Pilot or other person in charge of any aircraft having obtained permission under paragraph (a) of this regulation to fly over any of the said prohibited areas shall facilitate identification of such aircraft from the ground, and to that end the following procedure shall be followed.—

- (i) The aircraft shall be flown via the route specified by the officer granting permission and shall enter and leave the prohibited area within the time limits named in the permit to enter, and special recognition signals shall be made or displayed, if called for, during the flight.
- (ii) The aircraft shall cross the perimeter of the prohibited area with the undercarriage in the "down" position at a height not greater than 2,000 feet above the surface of the ground or water over which the aircraft is being flown at the time.
- (iii) The aircraft shall, if it is necessary to land within the prohibited area, proceed in a straight line to the landing area before circling to land.
- (iv) The aircraft leaving a prohibited area shall fly clear of that area with the least possible delay after take-off.

5. No civil aircraft shall be flown at night without the permission of the Minister of Transport.

6. (1) No person shall, by means of any radio apparatus installed in any civil aircraft under a licence granted by the Minister of Transport under The Radio Act, 1938, transmit or receive any message except a message relating to the navigation of such aircraft or the safety of life; provided that the Minister may permit the transmission and reception by means of such radio apparatus of commercial messages under such conditions and restrictions as he may prescribe.

(2) No person shall transmit or receive by means of radio apparatus, installed in any civil aircraft, messages in code or in any language other than English or French.

7. No person shall give or display from any civil aircraft, in flight or on the ground, any signal not authorized by The Air Regulations, 1938.

8. No arms or munitions of war or explosives, other than explosives authorized by the Minister of Transport to be used for signal purposes, shall be carried in a civil aircraft without the permission of the Minister of Transport.

9. No aerial photographs shall be taken from any civil aircraft without permission of the Minister of Transport, nor shall any photographic apparatus, plates or films be carried in any civil aircraft except as baggage or express, in which case such apparatus, plates or films shall be locked in a compartment of the aircraft separate from the passengers.

10. In addition to the documents required under paragraph 9 of Part VIII of The Air Regulations, 1938, every civil aircraft in flight in Canada, and every aircraft entering Canada on a scheduled air transport service shall have on board a written record showing—

- (a) The nationality of each passenger and each member of the crew;
- (b) The immediate and ultimate destination of each passenger;
- (c) The nature, place of origin and destination, and the name and address of the consignor and consignee of all cargo carried by such aircraft.

11. Every licence or certificate issued under The Air Regulations, 1938, to a pilot or air engineer of other than British nationality, or the nationality of any power allied or associated with His Majesty in the prosecution of the war which commenced on September 10, 1939, shall be suspended upon the coming into force of these regulations unless in the opinion of the Minister of Transport, it is in the national interest that such licence or certificate remain in force.

12. No civil aircraft registered in Canada as a private aircraft shall be flown within or beyond Canada without permission of the Minister of Transport.

13. No civil aircraft operating on an international scheduled air transport service, licensed under Part VII of The Air Regulations, 1938, shall depart from the air route authorized under such licence, except under stress of weather or in the interest of safety, and for the purpose of this regulation such air route shall be deemed to have a width of twenty miles with the centre line extending in a straight line between the Customs airports between which such aircraft is in flight.

14. Every pilot or other person in charge of a civil aircraft registered in Canada or any other of His Majesty's Dominions or the United Kingdom, and operating on a scheduled air transport service licensed under Part VII of The Air Regulations, 1938, and every member of the crew of such aircraft shall take and subscribe the oath of allegiance to His Majesty and the oath of secrecy contained in Schedule B to these regulations, and refusal to take and subscribe either of such oaths shall be cause for cancellation by the Minister of Transport of the licence or certificate authorizing such person to act as pilot or member of the crew of such aircraft.

15. No civil aircraft shall be flown within any of the prohibited areas set forth in Schedule A to these regulations unless such aircraft is engaged in training pilots or other personnel for the Royal Canadian Air Force, in which case the aircraft shall—

- (a) Confine its flying to such training only, and
- (b) Be coloured and marked in the manner prescribed by the Royal Canadian Air Force; and
- (c) Confine its flying to daylight only and restrict its flights to areas as close as possible to the immediate vicinity of the aerodromes from which it takes off.

16. (a) These regulations shall extend and apply to aircraft owned by and operated in the service of His Majesty in the right of Canada or of any Province of Canada or of any other of His Majesty's Dominions or of the United Kingdom, and to every pilot and other person engaged in the operation of such aircraft.

- (b) Every pilot or other person in charge of a civil aircraft mentioned in the next preceding subsection of this section shall take and subscribe the oath of allegiance to His Majesty and the oath of secrecy contained in Schedule B to these regulations; and refusal to take and subscribe either of such oaths shall be cause for cancellation by the Minister of Transport of the licence or certificate authorizing such person to act as pilot or member of the crew of such aircraft.

17. Every person who operates any civil aircraft otherwise than in accordance with these regulations and any order or direction duly made or given under any of these regulations, shall be deemed to contravene these regulations.

18. Every person who contravenes or fails to comply with any of these regulations, or any order or direction duly made or given under any of these regulations, shall be guilty of an offence and shall be liable on summary conviction

tion to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months, or to both fine and imprisonment, but such person may, at the election of the Attorney General of Canada, be prosecuted upon indictment, and if convicted shall be liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years, or to both fine and imprisonment.

19. The Minister of Transport may arrange to warn, in any manner deemed advisable, civil aircraft flying over or across any of the prohibited areas set forth in Schedule A to these regulations that such aircraft are liable to be fired upon by any of His Majesty's Forces, without warning.

20. These regulations shall come into force upon publication thereof in the *Canada Gazette*.

SCHEDULE A

LIST OF PROHIBITED AREAS

Nova Scotia

1. *Nova Scotia:*

The area including the whole of the Province of Nova Scotia and the territorial waters adjacent thereto.

New Brunswick

2. *Saint John:*

The area within a circle of a radius of 15 miles with centre at King's Square, Saint John, N.B.

Quebec

3. *Quebec and Valcartier:*

The area within a circle of a radius of 15 miles with centre at Loretteville, Que.

4. *McMasterville:*

The area within a circle of a radius of 3 miles with centre at the railway station.

5. *Brownsburg:*

The area within a circle of a radius of 3 miles with centre at the railway station.

Ontario

6. *Petawawa:*

The area within a circle of a radius of 8 miles with centre at Camp Headquarters Petawawa Camp.

7. *Lindsay:*

The area within a circle of a radius of 8 miles with centre at Lindsay.

8. *Trenton:*

The area within a circle of a radius of 8 miles with centre at the Headquarters of the R.C.A.F. Station, Trenton, Ontario.

9. *Camp Borden:*

The area within a circle of a radius of 8 miles with centre at the Headquarters of the R.C.A.F. Station, Camp Borden, Ontario.

10. *Nobel:*

The area within a circle of a radius of 3 miles with centre at the railway station.

11. *Niagara Peninsula:*

The area described as follows:—Starting at the mouth of the Niagara River on the south shore of Lake Ontario; thence south along the west shore of the Niagara River to the railway bridge crossing the river at Fort Erie, thence west along the C.N. Railway to an intersection with the Hamilton and Buffalo Railway; thence northerly along the line of the Hamilton and Buffalo Railway to the south shore of Lake Ontario approximately two miles east of Grimsby, thence easterly along the south shore of Lake Ontario to the point of commencement.

Manitoba

12. *Shilo:*

The area within a circle of a radius of 8 miles with centre at Camp Shilo, Manitoba.

13. *E. Selkirk:*

The area within a circle of 3 miles with centre at the C.N.R. Railway station.

Saskatchewan

14. *Dundurn:*

The area within a circle of a radius of 8 miles with centre at Dundurn, Saskatchewan.

Alberta

15. *Kananaskia Forest Camp:*

The area within a circle of a radius of 8 miles with centre at Seebe station, C.P. Railway, Alberta.

British Columbia

16. *Kamloops:*

The area within a circle of a radius of 8 miles with centre at Rayleigh Mount Station on C.N.R. 10 miles north of Kamloops, B.C.

17. *Vancouver:*

The area described as follows:—From Point Grey following the north shore of the north arm of the Fraser River to New Westminster, thence along the north shore of the Fraser River to the mouth of the Pitt River, thence northerly along the west shore of the Pitt River and Pitt Lake to the most northerly end of Pitt Lake, thence westerly in line with the most northerly point of Cambier Island to the eastern shore of Howe Sound; thence southerly along the eastern shore of Howe Sound to Atkinson Point, and thence to the point of commencement.

18. *Esquimalt:*

The area described as follows:—Bounded on the north by a line joining the mouth of Jordan River and the southeastern point of Salt Spring Island such line being extended both southwest and northeast so as to cut the International Boundary line in the Straits of Juan de Fuca and in the Gulf of Georgia. Bounded on the west, south and east by the International Boundary line.

19. *James Island:*

The whole of the Island.

20. *Ucluelet:*

The area within a circle of a radius of 8 miles with centre at Headquarters R.C.A.F. base Ucluelet, Vancouver Island, B.C.

21. *York Island:*

The area within a circle of a radius of 8 miles with centre at York Island in Johnstone Strait.

22. *Bella Bella:*

The area within a circle of a radius of 8 miles with centre at the Headquarters of the R.C.A.F. Station, Bella Bella, B.C.

23. *Winter Harbour:*

The area within a circle of a radius of 8 miles with centre at Headquarters R.C.A.F. base Winter Harbour, Vancouver Island, B.C.

24. *Prince Rupert:*

The area within a circle of a radius of 15 miles with centre at C. N. R. dock Prince Rupert, B.C.

25. *Alliford Bay:*

The area within a circle of a radius of 15 miles with centre at Headquarters of the R.C.A.F. base Alliford Bay, Queen Charlotte Islands, B.C.

Schedule B

I, (A. B.), solemnly and sincerely swear that I will not, without lawful authority in that behalf, disclose or make known to any person any information, matter or thing which comes to my knowledge by reason of my employment as pilot of any aircraft (or otherwise as the case may be) with respect to any of the prohibited areas set forth in Schedule A to the Defence Air Regulations, 1939, or any prohibited place as defined by The Official Secrets Act, Chapter 49 of the Statutes of 1939, or any other information, matter or thing which might be directly or indirectly useful to a foreign power or which might be used for a purpose prejudicial to the public safety or the safety of the State.

Order in Council establishing Regulations for discipline—members, Naval, Militia or Air Forces receiving medical care

P.C. 3988

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 5th day of December, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by an Order in Council of the 5th October, 1939, P.C. 3004, Regulations were made whereby if, in the opinion of the Medical Officers of the Department of National Defence, a member of the Naval Forces, the Militia or the Air Force of Canada on active service required hospital treatment or institutional care, he would be referred therefor to the Department of Pensions and National Health, and that if whilst receiving such hospital treatment or institutional care under the Department of Pensions and National Health a member of such Forces committed an offence under the law pertaining to the Force to which he belonged, said member would forthwith be reported to such appropriate authority as might from time to time be designated by the Department of National Defence;

And whereas the Minister of National Defence reports that, for the proper maintenance of discipline, it is essential that any of such offences be promptly dealt with, for the delay which would ensue through the disposal of a case being postponed until the offender had been discharged from hospital and returned to his Unit, there to be dealt with, would in the opinion of the Minister of National Defence make it difficult if not impossible to maintain the state of discipline necessary in the hospitals and institutions where treatment and care of members of the Forces is being carried out;

And whereas the Minister of National Defence recommends that suitable provision in this regard should be made;

Now, therefore, His Excellency the Governor General in Council, under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada 1927, and notwithstanding the provisions of any other law or regulation, is pleased to make the following Regulations, and they are hereby made and established accordingly:

REGULATIONS

1. For the purpose of dealing with an offence under the law relating to the Naval Forces, the Militia or the Air Force of Canada, as the case may be, committed by a member thereof while receiving hospital treatment or institutional care under the control and management of the Department of Pensions and National Health, the Minister of National Defence may appoint any officer of the Naval Forces, the Militia or the Air Force of Canada, as the case may be, who shall with respect to:—

- (a) A member of the Naval Forces of Canada, be deemed to be the officer in command of the ship to which the offender belongs at the time of the trial for the offence.
- (b) A member of the Militia of Canada, be deemed to be the commanding officer of the unit to which the offender belongs, provided that if such officer is not of field rank the powers of a commanding officer exercisable by him shall be as modified by Paragraph 472 (a) (i) of the King's Regulations and Orders for the Canadian Militia.
- (c) A member of the Royal Canadian Air Force of Canada, be deemed to be a commanding officer, provided that if the rank of said officer be of or below that of Flight Lieutenant the powers of a commanding officer exercisable by him shall be such as are under the King's Regulations and Orders for the Royal Canadian Air Force exercisable by a commanding officer of or below the rank of Flight Lieutenant.

2. For the purpose of these regulations,—

- (a) A member of the Naval Forces of Canada receiving hospital treatment or institutional care under the control and management of the Department of Pensions and National Health, shall be deemed to belong to a ship in command of the Officer appointed as aforesaid by the Minister.
- (b) A member of the Militia or of the Air Force of Canada, while receiving hospital treatment or institutional care under the control and management of the Department of Pensions and National Health, shall be deemed to be serving in a Unit of the Militia or the Air Force, as the case may be, under the command of the Militia or Air Force Officer appointed as aforesaid by the Minister.

3. Nothing contained in these regulations shall be construed as affecting or limiting the right of any offender to elect trial by Court Martial to the extent that the laws of the Service to which he belongs so permit, or to vest any Officer of the Naval Forces, the Militia or Air Force of Canada, appointed as aforesaid by the Minister, with powers in excess of those exercisable under the Naval Discipline Act, Military Law or Air Force Law, as the case may be, by an Officer in command of a ship, or by a Commanding Officer, respectively.

4. These regulations shall be deemed to have come into force and effect as of and from the 14th day of November, 1939.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council amending Regulations—Wartime Prices and Trade Board

Canada Gazette (Extra), 9th November, 1939

P.C. 3998

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 5th day of December, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas by Order in Council P.C. 2516 of the 3rd day of September, 1939, the Wartime Prices and Trade Board was constituted to provide safeguards under war conditions against any undue enhancement in the prices of food, fuel and other necessities of life, and to ensure an adequate supply and equitable distribution of such commodities;

And Whereas the Minister of Labour states that the Wartime Prices and Trade Board has reported to him that, from its experience gained and in order effectively to perform its functions, it is desirable in certain respects to amend the Wartime Prices and Trade Board Regulations respecting necessities of life, established by Order in Council P.C. 2516 of the 3rd day of September, 1939, as amended by Order in Council P.C. 2625, of the 9th day of September, 1939, and by Order in Council P.C. 3691 of the 17th day of November, 1939;

That representations have been made by the Attorneys-General of some of the Provinces of Canada and by other law enforcement officers that it is desirable in certain respects to strengthen the Regulations; and

That it is deemed advisable to consolidate the Regulations as amended and, to that end, to rescind the said Regulations and to make and establish Regulations in substitution therefor;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to the powers conferred on the Governor in Council by the War Measures Act and otherwise, is pleased to order as follows:

1. The Wartime Prices and Trade Board Regulations, made by Order in Council, P.C. 2516, of the 3rd day of September, 1939, as amended by Order in Council P.C. 2625 of the 9th day of September, 1939, and by Order in Council P.C. 3691 of the 17th day of November, 1939, are hereby rescinded.

2. The following Regulations are hereby made, established and substituted for the Regulations hereby rescinded.

REGULATIONS RESPECTING NECESSARIES OF LIFE IN TIME OF WAR

TITLE

1. These regulations and any amendment or addition thereto may be cited as *The Wartime Prices and Trade Board Regulations*.

INTERPRETATION

2. (1) For the purposes of these regulations, unless the context otherwise requires,

(a) "Board" means the Wartime Prices and Trade Board;

- (b) "licence" means a licence issued by the Board under these regulations;
- (c) "markup" means the amount added to the cost price in figuring a selling price to cover overhead and profit;
- (d) "Member" means a member of the Board;
- (e) "Minister" means the Minister of Labour;
- (f) "necessary of life" means a staple or other ordinary article of food, fuel or clothing, including the products and materials from or of which any thereof are in whole or in part manufactured, produced, prepared or made, and such other articles of any description as the Board may from time to time prescribe;
- (g) "order" means an order of the Board made pursuant to these regulations;
- (h) "regulation" means any of these regulations and any amendment or addition thereto;
- (i) "requirement" means any notification by the Board to any person, pursuant to these regulations, requiring performance by such person of any act.

(2) Every offence against any regulation, order or requirement shall, for the purposes of the Criminal Code, be deemed to be an offence against the Criminal Code.

(3) Unless and until action is taken by the Board under these regulations which conflicts with action taken by a properly constituted authority under or pursuant to a statute of a province or regulations made thereunder, these regulations shall not be construed as being repugnant to or as superseding such provincial statute or regulations.

WARTIME PRICES AND TRADE BOARD

3. (1) There shall be a Board to be called the Wartime Prices and Trade Board consisting of five members, of whom one shall be the Chairman, appointed by the Governor in Council to hold office during pleasure.

(2) The Board may establish at any place or places in Canada such office or offices as are required for the discharge of the duties of the Board, and may provide therefor the necessary accommodation, stationery and equipment.

(3) The Board may, with the approval of the Governor in Council, appoint qualified persons, to be known as Administrators, to regulate, under the direction and supervision of the Board, the supply and distribution of specified necessities of life and every such Administrator heretofore or hereafter appointed shall have the powers vested in the Board by paragraph (a) of subsection (1) of Section 4 of these regulations, together with such other powers as the Governor in Council may, from time to time, on the recommendation of the Board, vest in him.

(4) The Board may, subject to the approval of the Governor in Council, appoint such officers, clerks and other persons as may be deemed necessary to assist the Board in the performance of its duties, and every person appointed under this or the next preceding subsection shall receive such remuneration as the Board shall, with the approval of the Governor in Council, determine.

(5) The Board shall hold its sessions and conduct its business and proceedings in such manner as may seem to it most convenient for the speedy and efficient discharge of its duties and may make such rules as may seem expedient for the conduct of its proceedings not inconsistent with the provisions of these regulations.

POWERS AND DUTIES OF THE BOARD

4. (1) The Board shall have power
 - (a) to investigate, of its own motion or on complaint, costs, prices, profits and stocks of goods and materials of any person engaged in the manufacture, importation, exportation, production, storage, transportation or sale of any necessary of life or any alleged or apparent offence against any regulation, and for the purpose of any such investigation the Board shall have all the powers of a commissioner appointed under the provisions of the Inquiries Act;
 - (b) to inspect and examine any or all books, records and stocks of goods and materials in the possession or control of any person engaged as aforesaid, and to require any such person to produce such books and records at any place before it or before any person appointed by it to investigate, and to take possession of any or all of such books and records;
 - (c) to require manufacturers, importers, exporters, producers, jobbers, wholesalers or retailers of or other dealers in a necessary of life to obtain licences from the Board and to issue licences to such persons and to fix the fees payable on account of such licences: Provided, however, that the issue to any person of a licence shall not be deemed to affect the liability of such person to obtain a licence as required by any other statute or law of Canada or any province thereof;
 - (d) to suspend or cancel a licence in any case where in the opinion of the Board the licensee has failed to comply with any regulation, order or requirement;
 - (e) to fix maximum prices or maximum markups at which any necessary of life may be sold or offered for sale by manufacturers, importers, exporters, producers, jobbers, wholesalers, retailers or other dealers; and any order made pursuant to this regulation shall apply throughout Canada unless otherwise provided therein;
 - (f) to fix or limit the quantities of any necessary of life that may be sold or distributed to persons within prescribed periods of time and to prohibit sale or distribution in excess of the quantities so fixed or limited;
 - (g) to fix or limit the quantities of any necessary of life that may be bought or sold by any person within prescribed periods of time and to prohibit purchase or sale in excess of the quantities so fixed or limited;
 - (h) to buy and sell any necessary of life through agencies designated by the Board;
 - (i) to take possession of any supplies of a necessary of life, paying to the owners thereof such price as may, in default of agreement, be decided to be reasonable by the arbitration of a superior court judge of the province in which possession was taken;
 - (j) to prohibit the export of a necessary of life except under and in accordance with the terms of a permit granted by the Board;
 - (k) to refer to the Attorney-General of any province information respecting any alleged offence against any regulation, order or requirement;
 - (l) to require from time to time any person who manufactures, imports, exports, produces, stores or sells any necessary of life to furnish in such form and within such time as the Board may prescribe written returns under oath or affirmation showing such information as the Board may consider necessary with respect to such necessary of life;

(m) to make public their finding or report in the case of any investigation or to withhold such publication if they consider the public interest would be better served by such withholding.

(2) The powers vested in the Board by paragraphs (c), (e), (h), (i) and (j) of the next preceding subsection shall be exercised only subject to the approval of the Governor in Council.

5. Any three members of the Board shall constitute a quorum: Provided, however, that the powers vested in the Board by paragraphs (a) and (b) of subsection (1) or the next preceding section may be exercised by any one member of the Board; and provided further that the Board may appoint one or more persons to conduct investigations and every such person shall be vested with such of the powers aforesaid as the Board may confer on him.

6. The Board shall, in exercising any of the powers vested in it by these regulations, take into consideration the amount of a necessary of life required for the use or consumption of any person in his household or for the ordinary purposes of his business and at what price a necessary of life may be sold to return to the seller a reasonable and fair profit.

7. It shall be the duty of the Board.

(a) to arrange, wherever possible through existing government agencies, for the assembling of required statistical data in relation to any part of any trade or industry regarding prices, costs, stocks of goods, volume of production, productive capacities, and related matters;

(b) to refer to the Commissioner of the Combines Investigation Act any information relating to practices which may be violations of the Combines Investigation Act or of Section 498 of the Criminal Code, if, in the opinion of the Board, such practices impede the operation of these regulations;

(c) to confer with manufacturers, wholesalers and retailers as and when it is considered desirable by the Board with a view to enlisting their co-operation in ensuring reasonable prices, adequate supplies and equitable distribution of the necessities of life;

(d) to recommend any additional measures it may deem necessary for the protection of the public with respect to necessities of life and in any case where the Board is satisfied that a necessary of life is being sold or offered for sale at a price that is higher than is reasonable and just or is being unreasonably withheld from sale or that the manufacture, production, transportation, sale, supply or distribution of such necessary of life is being unduly prevented, limited or lessened, the Board may recommend that such necessary of life be admitted into Canada free of duty or that the duty thereon be reduced to such amount or rate as will, in the opinion of the Board, give the public the benefit of reasonable competition.

8. All expenses lawfully incurred under these regulations, including travelling expenses of the members of the Board, shall be payable out of moneys provided by Parliament.

OFFENCES

9. (1) No person shall sell or offer for sale any necessary of life at a price that is higher than is reasonable and just and in any case where a trader accused under this provision has not kept such books of account as are necessary to exhibit or explain his transactions, the onus shall be upon such accused person to establish that the price is reasonable and just: Provided that if a maximum

price has been fixed by the Board for the sale of such necessary of life, any price in excess of the price so fixed shall be conclusively deemed to be higher than is reasonable and just; and provided further that if a maximum markup has been fixed by the Board for the sale of such necessary of life, any price which includes a markup in excess of the markup so fixed shall be conclusively deemed to be higher than is reasonable and just.

(2) No person shall acquire, accumulate or withhold from sale any necessary of life beyond an amount thereof reasonably required for the use or consumption of his household or for the ordinary purposes of his business.

(3) No person shall unduly prevent, limit or lessen the manufacture, production, transportation, sale, supply or distribution of any necessary of life.

(4) No person shall in any manner impede or prevent or attempt to impede or prevent any investigation or examination instituted by the Board.

(5) No manufacturer, importer, exporter, producer, wholesaler, jobber, retailer or other dealer shall sell or offer for sale or ship, distribute or deal in a necessary of life in respect of which a licence is required unless he has a licence from the Board which is in full force and effect.

PENALTIES

10. Any person who contravenes or fails to observe any regulation, order or requirement or makes any false statement in any return made pursuant to any order or requirement shall be guilty of an offence and liable, at the election of the Attorney-General of the province in which the offence is alleged to have taken place, upon indictment or upon summary conviction under Part XV of the Criminal Code to a penalty not exceeding five thousand dollars, or to imprisonment for any term not exceeding two years, or to both fine and imprisonment; and any director or officer of any company or corporation who assents to or acquiesces in any offence by such company or corporation against any regulation or order shall be guilty of such offence personally and cumulatively with the said company or corporation.

11. No prosecution for a contravention or non-observance of any regulation, order or requirement shall be commenced without the written leave of the Board or of the Attorney-General of the province in which the offence is alleged to have been committed.

12. Every order made by the Board shall take effect from a date to be stated therein not earlier than the date of publication in the *Canada Gazette*.

13. These regulations and any order made thereunder shall not apply to any farmer or gardener in respect of any necessary of life produced upon any land cultivated by him.

14. The Board shall report to the Minister as and when required to do so by the Minister.

H. W. LOTHROP,

Assistant Clerk of the Privy Council.

Order in Council amending P.C. 2474—Committees of Cabinet Constituted

P.C. 4017½

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5th December, 1939.

The Committee of the Privy Council have had before them a report, dated 5th December, 1939, from the Right Honourable W. L. Mackenzie King, the Prime Minister, stating:—

That prior to the existence in Canada of a state of war, namely on August the 30th, 1939, and in order to provide for a proper distribution of work and an effective allocation of duties in the emergency then existing, certain Committees of the Cabinet were constituted by Order in Council (P.C. 2474) for the specific purposes and with the personnel set forth in the said Order in Council; and

That in view of the developments which have taken place since the date of the said Order in Council, a reorganization of the duties and personnel of the said Committees has become advisable, in order to provide more effectively for the conduct of all phases of Canada's war effort and for the efficient co-ordination of the various activities of government, related thereto.

The Committee, therefore, on the recommendation of the Prime Minister, advise:

1. That Order in Council (P.C. 2474) of August the 30th, 1939, constituting the various Committees of the Cabinet, to which reference has been made above, be hereby repealed; the duties of the said Committees to be assumed by the Committees hereinafter provided.

2. That the following Committees of the Cabinet be constituted forthwith, with the designations, and for the specific purposes hereinafter set forth:

(1) *War Committee*

To consider questions of general policy, to consider reports from special and other committees; and to co-ordinate war activities; the said Committee to have power to call before it any official or employee of the government, and any officer of the Naval, Military or Air Forces of Canada, whose duty it shall be to render the Committee assistance in the discharge of its duties, and, in particular, to accord the Committee information upon any subject concerning which information may be requested.

(2) *Committee on War Finance and Supply*

To consider matters in any way relating to war finance, including credits, loans, and foreign exchange; also to consider matters relating to the production and distribution of war supplies (other than food and fuel products), the mobilization of industry, the construction of buildings, and the provision of equipment and munitions.

(3) *Committee on Food Production and Marketing*

To consider matters relating to the production in Canada and marketing by or for producers of foodstuffs of all kinds.

(4) *Committee on Fuel and Power*

To consider matters relating to fuel and power resources, and the conservation, import and export of fuel and power.

(5) *Committee on Shipping and Transportation*

To consider matters relating to shipping and transportation arising out of the war.

(6) *Committee on Price Control and Labour*

To consider matters relating to the movement of wholesale and retail commodity prices; the distribution of consumer's goods; the cost of living; and labour relations.

(7) *Committee on Internal Security*

To consider matters relating to the maintenance of public safety and order in wartime, and relations with the provinces incident thereto.

(8) *Committee on Legislation*

To examine the form and content of all recommendations to Council under the War Measures Act, to ensure regularity of procedure in respect to the same; to co-ordinate Orders in Council passed under the War Measures Act; and to examine all war legislation proposed for submission to Parliament.

(9) *Committee on Public Information*

To consider matters relating to censorship, governmental publicity, and voluntary civilian service.

The Committee, on the recommendation of the Prime Minister, further advise that the said Committees of the Cabinet shall consist of the following:

(1) *War Committee*

Prime Minister (Convener)
Leader of the Government in the Senate
Minister of Justice
Minister of Finance
Minister of National Defence
Minister of Mines and Resources

(2) *Committee on War Finance and Supply*

Minister of Finance (Convener)
Minister of National Revenue
Minister of National Defence
Minister of Public Works
Minister of Transport
Minister of Agriculture

(3) *Committee on Food Production and Marketing*

Minister of Agriculture (Convener)
Minister of Trade and Commerce
Minister of Fisheries
Minister of Mines and Resources
Minister of Finance
Honourable J. A. MacKinnon

(4) *Committee on Fuel and Power*

Minister of Mines and Resources (Convener)
Minister of Trade and Commerce
Minister of Transport
Minister of National Revenue
Honourable J. A. MacKinnon

(5) *Committee on Shipping and Transportation*

Minister of Transport (Convener)
Minister of Trade and Commerce
Minister of Labour
Minister of National Defence

(6) *Committee on Price Control and Labour*

Minister of Labour (Convener)
Minister of Trade and Commerce
Minister of National Revenue
Minister of Public Works
Minister of Agriculture
Minister of Fisheries.

(7) *Committee on Internal Security*

Minister of Justice (Convener)
Secretary of State
Minister of National Defence
Minister of Pensions and National Health
Honourable J. A. MacKinnon.

(8) *Committee on Legislation*

Postmaster General (Convener)
Minister of National Revenue
Minister of Justice
Minister of Pensions and National Health.

(9) *Committee on Public Information*

Minister of Labour (Convener)
Postmaster General
Minister of National Defence
Secretary of State
Honourable J. A. MacKinnon

All of which is respectfully submitted for Your Excellency's approval.

H. W. LOTHROP

Assistant Clerk of the Privy Council

Order in Council approving financial Regulations re C.A.S.F. overseas

P.C. 4022

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by his Excellency the Governor General on the 5th December, 1939.

The Committee of the Privy Council have had before them a report, dated 27th November, 1939, from the Minister of National Defence, representing that by Order in Council P.C. 2434, dated 31st August, 1939, approval was given to Regulations governing the Pay and Allowances of the Canadian Active Service Force in Canada.

The Minister states that it is now necessary to make special provision for the Pay and Allowances and other emoluments, whether in money or kind to be paid or issued to or in respect of the Canadian Active Service Force, Overseas.

The Minister, therefore, recommends that the attached Financial Regulations and Instructions for the Canadian Active Service Force, Overseas, wherein the basic rates of pay are the same as those which have already been approved for the Canadian Active Service Force in Canada, any other changes between the two sets of regulations being mainly differences in Method and Administration, be approved, effective on and from the first day of November, 1939.

The Committee submit the same for approval accordingly.

H. W. LOTHROP

Assistant Clerk of the Privy Council

NOTE: "Financial Regulations and Instructions for the Canadian Active Service Force (Overseas)" printed by King's Printer.

Order in Council authorizing enlistment for sedentary clerical duties

P.C. 4024

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 5th day of December, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of National Defence reports that it would make for efficiency if men could be enlisted in the Canadian Active Service Force for employment on sedentary clerical duties for which their previous military experience has fitted them, notwithstanding that they are over the age limit of 45 years which is laid down by the King's Regulations and Orders for the Canadian Militia, 1939;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, is hereby pleased, notwithstanding anything to the contrary contained in the King's Regulations and Orders for the Canadian Militia, 1939, to authorize the enlistment, in the Active Militia for employment on sedentary clerical duties in the Canadian Active Service Force, of men as aforesaid, subject to the approval of the Adjutant-General in each case.

H. W. LOTHROP

Assistant Clerk of the Privy Council

Canada Gazette, 5th December, 1939

REGULATION OF THE FOREIGN EXCHANGE CONTROL BOARD

Certified Extract from the Minutes of a Meeting of the Foreign Exchange Control Board, held at Ottawa, the 1st day of December, A.D. 1939.

On motion duly made and seconded, the following Regulation numbered 43 was passed and enacted:

43. (a) Any resident who owns or controls property physically situate outside Canada which produces revenue in a foreign currency and which gives rise to foreign currency expenses may apply to the Board for permission to operate a foreign currency bank account on the understanding that, if such application is approved,

- (i) All revenue from such property will be deposited in such account.
- (ii) No withdrawals shall be made from such account except for the purpose of meeting expenses of the resident arising by reason of the ownership or control of such property,
- (iii) Any net revenue from such property will be declared on Form C and offered for sale to the Board at intervals to be stated in the permit to operate such account, and
- (iv) A copy of the statement of such account and other relevant details will be submitted to the Board at the end of each six months' period after the opening of such account or at any other time if required by the Board.

(b) The application to operate such a foreign currency bank account shall give full particulars of the property (including an estimate of its current value) and of the revenue and expenses relating thereto. If permission is granted, the applicant will be given a registration number bearing the prefix FP. The permit will relate only to revenue and expenses as set forth in the application.

(c) If the revenue from such property is insufficient to meet the expenses thereof, the applicant may deposit in and disburse from such foreign currency bank account foreign exchange purchased from the Board for such purpose.

Certified to be a true copy.

D. GORDON,
Chairman (Alternate).

Order in Council constituting Special Committee of Cabinet on
Demobilization

P.C. 4068½

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 8th December, 1939.

The Committee of the Privy Council have had before them a report, dated December 7th, 1939, from the Right Honourable W. L. Mackenzie King, the Prime Minister, representing, with the concurrence of the Ministers of Pensions and National Health and National Defence, that it is expedient that early and thorough consideration be given to questions which will arise from the demobilization and the discharge from time to time during and after the conclusion of the present war of members of the Forces.

The Committee, therefore, on the recommendation of the Prime Minister, advise that there be hereby constituted a special Committee of the Cabinet composed of the following members, namely:

The Minister of Pensions and National Health (Convener),
The Minister of Public Works,
The Minister of National Defence,
The Minister of Agriculture,
The Minister of Labour,
The Honourable J. A. MacKinnon,

and that the duties of such Committee shall be to procure information respecting and give full consideration to and report regarding the problems which will arise from the demobilization and the discharge from time to time of members of the Forces during and after the conclusion of the present war, and the rehabilitation of such members into civil life, and in that connection, but without in any way restricting the generality of the foregoing

(a) to consider the adequacy, adaptability and full utilization of the existing governmental machinery which is available to deal with such problems either separately or in conjunction with other activities, and particularly the Department of Pensions and National Health, the Department of Labour, the Canadian Pension Commission, the War Veterans' Allowance Board, and the Civil Service Commission;

(b) to consider the necessity or advisability of any expansions or additions or readjustments which may seem to be advisable in connection with any of the activities of such Departments or agencies;

(c) to appoint Advisory Committees selected from the personnel of Government Departments or agencies;

(d) to consult from time to time Provincial and Municipal Governments and public service organizations and Canadian citizens interested in such problems;

(e) to make recommendations as to the organization and composition of representative national and local Committees to co-operate with the Government in meeting the problems of rehabilitation and re-establishment;

(f) generally to procure information respecting and give full consideration to the problems above mentioned and the formulation of preparatory plans in connection therewith; and

(g) to submit from time to time to the Governor in Council such reports respecting the information received and consideration given and the plans formulated as may seem to the Committee advisable to keep the Governor in Council informed in respect thereto.

The Committee further advise that, for the aforementioned purposes, the said Committee of the Cabinet shall, subject to the approval of the Governor General in Council, have power to engage and remunerate such officers, clerks and employees as may in their view be necessary, and that all expenditures incurred by the Committee be charged to funds provided under the War Appropriation Act.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council setting up Bacon Board

Canada Gazette, 23rd December, 1939

P.C. 4076

AT THE GOVERNMENT HOUSE AT OTTAWA

Wednesday, the 13th day of December, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of Agriculture reports that the Governments of Canada and the United Kingdom have agreed on arrangements for the delivery, at Canadian seaboard ports, to the United Kingdom Ministry of Food, of bacon and hams during the period November 17th, 1939, to October 31st, 1940, at a flat price per long hundredweight of \$20.18, F.O.B. Canadian Seaboard for Grade A bacon, with relative prices for other pork products;

That the Government of the United Kingdom have intimated that they are prepared to accept delivery at these prices of Canadian bacon up to a weekly average of 50,000 long hundredweight and such additional quantities as may be available for export from Canada up to the limit of their needs; and

That it will therefore be necessary, in order to insure that regular and sufficient supplies will be available for export as required and that satisfactory prices will be paid to hog producers, to control the marketing of bacon and other pork products and to store bacon or other pork products produced during seasons of heavy hog marketing to supplement supplies of seasons of light hog marketing;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under and by virtue of the powers conferred by the War Measures Act or otherwise, is pleased to make the following Regulations and they are hereby made and established accordingly:

Regulations respecting the marketing and export of Bacon and Other Pork

Products

1. These Regulations and any amendment and addition thereto may be cited as The Bacon Regulations.

Interpretation

2. For the purposes of these Regulations, unless the context otherwise requires,

- (a) "bacon" means all cured pork products;
- (b) "Board" means the Bacon Board;
- (c) "licence" means a licence issued by the Board under these Regulations;
- (d) "Minister" means the Minister of Agriculture;
- (e) "order" means an order of the Board made pursuant to these Regulations;
- (f) "packer" means any commercial slaughterer of hogs operating under inspection by authority of the Minister under the Meat and Canned Foods Act;
- (g) "regulation" means any of these regulations and any amendment or addition thereto;
- (h) "requirement" means any notification by the Board to any person, pursuant to these Regulations, requiring performance by such person of any act.

Bacon Board

3. (1) There shall be a Board to be called the Bacon Board consisting of three members, of whom one shall be Chairman, appointed by the Governor in Council to hold office during pleasure. The Chairman and other members of the Board shall be paid respectively such salaries or other remuneration as may be fixed by the Governor in Council.

(2) If any member is unable at any time by reason of absence, incapacity or other inability to perform the duties of his office, the Minister may appoint temporarily a substitute member upon such terms and conditions as he may determine.

(3) An officer of the Department of Agriculture may be designated by the Governor in Council as Secretary-Manager of the Board.

(4) The Board may establish at any place or places in Canada such office or offices as are required for the discharge of the duties of the Board, and may provide therefor the necessary accommodation, supplies and equipment.

(5) The Board may, subject to the approval of the Governor in Council, appoint such officers, clerks and other persons as may be deemed necessary to assist the Board in the performance of its duties, and such persons shall receive such remuneration as the Board shall, with the approval of the Governor in Council, determine.

(6) Two members of the Board shall form a quorum, and the concurrence of at least two members shall be necessary for the execution of any act by the Board and the act of two of its members shall be deemed to be an act of the Board.

(7) Members of the Board as well as officers, clerks and other employees of the Board shall be entitled to receive and to be paid their actual reasonable disbursements for travelling expenses necessarily incurred by them in connection with the discharge of their duties.

(8) The headquarters of the Board shall be at Ottawa and meetings of the Board shall be held at Ottawa or at such other place as the Chairman of the Board may decide.

(9) Every member of the Board, upon appointment to office, shall take and subscribe before the Clerk of the Privy Council the following oath:

I,, solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as Chairman (or as member) of the Bacon Board.

So help me God.

Powers of the Board

4. (1) The Board shall have power

(a) to regulate the export of bacon and other pork products to Great Britain pursuant to the agreement made between the Governments of Canada and the United Kingdom and to that end to arrange with or require any packer to ship and deliver bacon or other pork products of the quantity and quality specified in such arrangement or requirement to the United Kingdom Ministry of Food at seaboard ports in Canada.

(b) to require any packer to store for future curing and delivery to the United Kingdom Ministry of Food such pork as the Board unanimously determines shall be necessary to satisfy future requirements of the aforesaid Ministry of Food under the agreement with the Government of Canada.

(c) to determine the prices which shall be paid to packers for bacon and other pork products delivered in accordance with requirements of the Board:

Provided that in the case of pork stored in accordance with the requirements of the Board the price to be paid for bacon made from such pork shall not exceed the price of bacon at the time the pork was taken into store plus carrying and storage charges approved by the Board; and provided further that in determining the prices which shall be paid for bacon and other pork products delivered as required by the Board and in requiring packers to store pork and in exercising all or any of its other powers it shall be the duty and responsibility of the Board to have regard to the present and future conditions of the bacon market and the undertakings and needs of the Government of the United Kingdom under its agreement with the Government of Canada and to ensure that the prices to be paid to the packers and all other expenditures or liabilities incurred or to be incurred in respect of such bacon and other pork products delivered as aforesaid (administrative expenses of the Board excepted) shall be fully covered by and met out of the amount to be paid by the Government of the United Kingdom under the agreement aforesaid.

(d) in determining prices to be paid packers as herein—before provided to establish differentials in prices that will be paid for official grades, selections and weights of bacon and other pork products.

(e) to requisition cheques to be drawn against the Fund hereinafter referred to for the payment of bacon and other pork products delivered pursuant to the requirements of the Board.

(f) to inspect bacon and other pork products delivered or to be delivered pursuant to requirements of the Board and to reject any such products which do not conform to the required quality or standard.

(g) to require any packer to give priority to the processing and delivery of bacon or other pork products to be delivered pursuant to a requirement of the Board.

(h) to fix the minimum price to be paid by packers for hogs.

(i) to consult from time to time with any advisory committee that may be named by the Governor in Council on the recommendation of the Minister to assist the Board.

(j) to require any person producing, dealing in or having control of any bacon or other pork products or accommodation suitable for storage thereof to make periodical or other returns at such times and containing such particulars as the Board may require.

(k) to make arrangements with the United Kingdom Ministry of Food with respect to minor or incidental adjustments of prices and quantities of bacon or other pork products to be delivered to the aforesaid Ministry of Food under its agreement with the Government of Canada.

(l) to order that packers shall obtain licences from the Board and to issue licences to such persons upon such terms and conditions to be fixed by the Board and to fix the fees payable on account of such licences; Provided, however, that the issue to any person of a licence shall not be deemed to affect the liability of such person to obtain a licence as required by any other statute or law of Canada or any province thereof.

(m) to incur, out of monies provided by Parliament, expenditures for the maintenance of offices, for salaries and travelling expenses of members and appointees of the Board, for travelling expenses of members of any advisory committees named by the Governor in Council and of persons whose services may be temporarily required.

(n) to make such rules as may seem expedient for the conduct of its business and proceedings not inconsistent with the provisions of these regulations.

(2) Upon receipt of a requirement of the Board to store pork as herein-before provided a packer shall comply with such requirement according to the terms thereof and shall be entitled to be required to deliver such pork properly cured to the United Kingdom Ministry of Food.

(3) Upon receipt of a requirement of the Board to deliver bacon as herein-before provided a packer shall comply with such requirement according to the terms thereof and subject as hereinafter provided in paragraph (2) of clause 5 shall be entitled to be paid therefor at the price or prices determined by the Board in accordance with these Regulations.

5. (1) There shall be a special account in the Consolidated Revenue Fund called the Bacon Export Fund, referred to in these Regulations as "the Fund" to which the Minister of Finance shall from time to time credit all moneys received from the United Kingdom Ministry of Food for the purchase of bacon and other pork products.

(2) The Minister of Finance may, subject to the provisions of these regulations, on the requisition of the Board, pay out of the Fund and to the extent only of the Fund sums necessary to compensate packers for bacon and other pork products delivered by them pursuant to the requirements of the Board, but no other payment shall be made a charge on the Fund.

6. No information with respect to the business of any person, which has been obtained under or by virtue of these Regulations, shall be disclosed without the consent of the person carrying on that business: Provided that nothing in this sub-section shall apply to the disclosure of any information,—

- (a) to a Government Department or any person authorized by a Government Department requiring such information for the purpose of the discharge of the functions of that Department; or
- (b) for the purposes of any prosecution for an offence under these Regulations.

7. The Board shall maintain complete and accurate records of all its transactions and the Minister of Finance may at any time by means of an officer of his Department inspect such records.

8.(1) Any packer or other person who

- (a) fails to make any return which he is required by the Board to make; or
- (b) knowingly makes any untrue statement in any such return; or
- (c) without reasonable excuse fails to comply with any order or requirement of the Board; or
- (d) fails to produce to any person authorized for the purpose by the Minister of Finance or the Board any books or documents of any description; or
- (e) exports or attempts to export bacon or other pork products to the United Kingdom in contravention of any order of the Board; or
- (f) purchases any hogs at prices less than the minimum price fixed by the Board; or
- (g) discloses information contrary to these Regulations; or
- (h) operates or carries on any business in respect of which a licence is required unless he has a licence from the Board which is in full force and effect;
- (i) commits any act or deed in contravention of these Regulations not hereinbefore specified, shall be guilty of an offence under these Regulations and shall be liable on summary conviction to a fine not exceeding \$500 and if he be convicted in respect of a failure to make a return as required by paragraph (a) hereof and the failure continues after the conviction, he shall be liable on summary conviction to a fine not exceeding \$200 for each day on which such failure continues, not, however, exceeding a total of \$5,000.

(2) Where any offence under these Regulations, committed by a body corporate, is proved to have been committed with the consent or connivance of any Director, Manager, Secretary or other officer of the Body corporate, he, as well as the body corporate, shall be deemed to be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

9. These Regulations shall come into force on the date of approval and any subsequent regulation or any amendment or repeal of any Regulation shall come into force upon publication in the Canada Gazette.

(2) Any order of the Board shall be effective from the date of publication in the Canada Gazette.

10. The Board shall report to the Minister as and when required to do so by the Minister.

(Sgd.) H. W. LOTHROP
Assistant Clerk of the Privy Council

Order in Council approving financial Regulations—R.C.A.F.

P.C. 4120

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 13th December, 1939.

The Committee of the Privy Council have had before them a report dated 11th December, 1939, from the Minister of National Defence, representing that it is necessary to make special provision for the pay and allowances and other emoluments, whether in money or kind, to be paid or issued to or in respect of officers and airmen of the Royal Canadian Air Force who are from time to time placed on Active Service, and for such officers and airmen of the Royal Canadian Air Force who have been, or may hereafter be, called out by the Minister of National Defence for Air Force duty pursuant to the Regulations made in that behalf.

The Committee, therefore, on the recommendation of the Minister of National Defence, submit for Your Excellency's approval the attached Financial Regulations and Instructions for the Royal Canadian Air Force on Active Service (Canada), the same to be effective as of and from the First day of September, 1939.

(Sgd.) H. W. LOTHROP
Assistant Clerk of the Privy Council.

NOTE: "*Financial Regulations and Instructions for the Royal Canadian Air Force on Active Service (Canada)*" Printed by King's Printer.

Order in Council establishing Regulations—Discipline among and treatment of Prisoners of War

P.C. 4121

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 13th day of December, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State of Canada, with the concurrence of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Act or law, is pleased to make the attached "Regulations governing the maintenance of discipline among and treatment of Prisoners of War" and they are hereby made and established accordingly; the said Regulations to have force and effect as of and from the first day of December, 1939.

(Sgd.) H. W. LOTHROP
Assistant Clerk of the Privy Council.

NOTE: "*Regulations governing the maintenance of discipline among and treatment of Prisoners of War*" printed by King's Printer.

Order in Council authorizing reduction in rank of Warrant Officers and
non-commissioned Officers

P.C. 4122

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 13th day of December, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that in many Units, Formations and Detachments of the Active Militia on active service, Warrant Officers and Non-Commissioned Officers of the Permanent Force will be serving together with Warrant Officers and Non-Commissioned Officers of the Non-Permanent Active Militia;

That under the King's Regulations and Orders for the Canadian Militia the reduction in rank of Warrant Officers and Non-Commissioned Officers of the Permanent Force is carried out under a procedure differing from that prescribed by the said King's Regulations and Orders for the reduction in rank of Warrant Officers or Non-Commissioned Officers of the Non-Permanent Active Militia; and

That in the opinion of the Minister of National Defence the exigencies of the Service require that there be a uniform procedure governing the reduction in the rank or appointment with respect to all Warrant Officers and Non-Commissioned Officers of the Active Militia serving on active service;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the provisions of the War Measures Act, Chapter 206 Revised Statutes of Canada 1927, and notwithstanding the provisions of any other Act or Regulation, is pleased to make the following Regulations and they are hereby made and established accordingly:

REGULATIONS

(1) Paragraphs 327 to 330, both inclusive, of King's Regulations and Orders for the Canadian Militia, 1939, will, subject to the following modifications, apply to such parts of the Active Militia as have been placed on active service:—

- (a) The powers exercisable by the Adjutant-General under paragraph 328 (a) may, in respect of personnel serving on active service outside of Canada, be exercised by any general officer or brigadier whom the Minister of National Defence appoints for that purpose.
- (b) The powers exercisable by a District Officer Commanding under paragraph 328 (c) may, in respect of personnel serving on active service outside of Canada, be exercised by any general officer or brigadier whom the Minister of National Defence appoints for that purpose.
- (c) With respect to personnel serving on active service outside of Canada, the application for authority to reduce, referred to in paragraph 329 (a) will be made to the appropriate Canadian headquarters.

(2) Paragraphs 331, 332 and 333 of the said King's Regulations and Orders for the Canadian Militia, 1939, will not apply to such parts of the Active Militia as have been placed on active service.

These Regulations shall be deemed to have come into force and effect as of and from the 1st day of September, 1939.

(Sgd.) H. W. LOTHROP
Assistant Clerk of the Privy Council.

**Order in Council authorizing free postage of correspondence by members
of Overseas Forces**

P.C. 4129

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 20th December, 1939.

The Committee of the Privy Council have had before them a report, dated December 18th, 1939, from the Postmaster-General, representing that authority was given by Order in Council, P.C. 2007, of the 20th July, 1917, for the delivery free of charge of letters for Canada posted by members of the Overseas Forces in Great Britain, France, Flanders or elsewhere, when bearing the stamp of the Orderly Room or other indication of having been sent by soldiers;

That this authority was extended by Order in Council, P.C. 2478, of the 7th October, 1918, to permit the free delivery of unpaid letters recognizable as originating from Officers and men serving on His Majesty's ships or Allied warships;

That the authority conveyed by the above Orders in Council lapsed on the conclusion of the Great War of 1914-18; and

That a similar privilege should be authorized during the present War.

The Committee, on the recommendation of the Postmaster-General advise that, under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding anything to the contrary contained in any other Act or Regulation, authority be given to forward to destinations in Canada and deliver free of postage all correspondence posted by British, Dominion, Colonial and Allied soldiers on active service abroad and by Officers and men serving on His Majesty's ships or Allied warships.

(Sgd.) H. W. LOTHROP
Assistant Clerk of the Privy Council.

Order in Council amending regulations of Bacon Board

Canada Gazette, 6th January, 1940

P.C. 4248

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 20th day of December, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas "Regulations respecting the marketing and export of Bacon and Other Pork Products" were established by Order in Council P.C. 4076 of December 13th, 1939;

And whereas the said Regulations provide that "there shall be a Board to be called the Bacon Board consisting of three members";

And whereas the Minister of Agriculture reports that it is desirable and expedient that the said Board be increased from three to four members;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture, is pleased to amend and doth hereby amend the said Regulations by deleting therefrom sub-clause (1) of clause 3 and by substituting in lieu thereof the following:—

3. (1) There shall be a Board to be called the Bacon Board consisting of four members, of whom one shall be Chairman, appointed by the Governor in Council to hold office during pleasure. The Chairman and other members of the Board shall be paid respectively such salaries or other remuneration as may be fixed by the Governor in Council.

(Sgd.) H. W. LOTHROP

Assistant Clerk of the Privy Council.

Order in Council setting up Canadian Shipping Board

P.C. 4251

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 20th day of December, 1939.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas there has been laid before His Excellency the Governor General in Council, a report from the Minister of Trade and Commerce, representing, with the concurrence of the Secretary of State and External Affairs, the Minister of National Defence, the Minister of National Revenue, and the Minister of Transport,—

1. That section 3 of the War Measures Act provides, inter alia, that the Governor in Council may make such orders and regulations as he may by reason of the existence of war or emergency deem necessary or advisable for the

security, defence, peace, order and welfare of Canada, and that for greater certainty but not so as to restrict the generality of the foregoing the powers of the Governor in Council shall extend to.

Transportation by land, air, or water and the control of the transport of persons and things, and to

Trading, exportation, importation, production and manufacture.

2. That if Canada is to make its maximum contribution to the prosecution of the war, it is essential to maintain the financial strength of the Dominion.

3. That the financial stability of Canada depends vitally upon the maintenance of an extensive export trade.

4. That owing to the requisition of shipping of British registry by His Majesty's Government in the United Kingdom and to other causes, it has been found difficult and in certain cases impossible to obtain ocean transportation for Canadian exports.

5. That it is not possible through existing facilities to present the requirements of Canadian shippers effectively to the United Kingdom authorities.

6. That some of the difficulties now being encountered by Canadian exporters might be alleviated by,

- (a) arranging with the United Kingdom authorities to release tonnage for the carriage of Canadian exports;
- (b) securing more effective control of Canadian registered ships;
- (c) the inducement of neutral ships, through transfer of registry or otherwise, to engage in the carriage of goods from Canadian ports.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce, with the concurrence of the Secretary of State for External Affairs, the Minister of National Defence, the Minister of National Revenue and the Minister of Transport, and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order that a Board to be known as "The Canadian Shipping Board" be and it is hereby established.

His Excellency in Council, on the same recommendation and under the authority cited above, is further pleased to order that the constitution, powers, duties and regulations under which the said Board shall act shall be as follows:

1. Unless the context hereof otherwise requires:

- (a) "Board" means the Canadian Shipping Board;
- (b) "Director" means the Director of Shipping;
- (c) "Minister" means the Minister of Trade and Commerce;
- (d) "Transport Controller" means the Transport Controller appointed under the provisions of Order in Council, P.C. 3677, of the 15th day of November, 1939.

2. (1) There shall be a Board to be known as the Canadian Shipping Board, which shall consist of a Chairman, the Director, the Transport Controller and five members, who shall hold office during pleasure.

(2) The Chairman of the Board shall be appointed by the Governor in Council on the recommendation of the Minister, and one member from each

of the following departments, namely, Trade and Commerce, External Affairs, National Defence, National Revenue, and Transport, shall be appointed from the officers of the staffs of the respective departments by the Minister on the recommendation of the Ministers of the respective departments.

(3) Where for any reason any member is unable to act on the Board, a substitute member may be appointed to replace such member in the same manner in which the member to be replaced was originally appointed to the Board.

(4) The Board may appoint two representatives in the United Kingdom, one of whom shall be a member of the staff of the Department of Trade and Commerce, and one of whom shall be a member of the staff of the Department of External Affairs.

(5) Four members of the Board shall form a quorum and the concurrence of at least four members shall be necessary for the execution of any act by the Board, and the act of four of its members shall be deemed to be an act of the Board.

(6) Members of the Board shall be entitled to receive and be paid their actual disbursements for living expenses necessarily incurred by them while absent from Ottawa in connection with the discharge of their duties.

(7) The headquarters of the Board shall be at Ottawa and meetings of the Board shall be held at Ottawa or at such other place as the Chairman of the Board may decide.

(8) Every member upon appointment to office shall take and subscribe before the Clerk of the Privy Council an oath which shall be filed in the office of the said Clerk in the following form:

"I.....solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as Chairman (or as member) of the Canadian Shipping Board."

(9) The Board, with the approval of the Minister, may make by-laws, not inconsistent with the provisions hereof, for the direction, conduct and government of its business.

3. (1) The powers and duties of the Board shall be:

- (a) to carry out the functions of the Licensing Board appointed by the Minister of Transport under the authority of Order in Council, P.C. 2524, of the 5th September, 1939, and after the coming into force of this Order the said Order in Council, P.C. 2524, shall be amended by deleting therefrom references to the "Licensing Board" and substituting therefor wherever these words appear in the said Order, the words "Canadian Shipping Board";
- (b) to deal with all applications for transportation and priority of movement with respect to the transport of materials and supplies, other than those consigned to the Government of the United Kingdom or of any other power, by sea between ports in Canada, or between ports in Canada and ports in the United Kingdom, or in any other of His Majesty's dominions, or in any other state;
- (c) to recommend to the departments concerned, or to the Governor in Council, policies or specific measures designed to assist in providing ocean transport for Canadian export trade;
- (d) through its representatives in London to keep in close and constant contact with the United Kingdom Ministry of Shipping for the purpose of securing the fullest possible co-operation of the United Kingdom authorities towards meeting the needs of Canadian export trade.

(2) The Board shall exercise the powers given to the Minister of Transport by Regulation 44 of the Defence of Canada Regulations, established under the authority of Order in Council, P.C. 2483, of the 3rd day of September, 1939, and wherever in the said Regulation 44 the words "Minister of Transport" or "Minister" appear, there shall be substituted therefor the words "Canadian Shipping Board" or "Board," as the case may be.

4. The Board, with the approval of the Governor in Council on the recommendation of the Minister, may employ such professional, technical and other officers, clerks and employees as it may deem necessary for the proper conduct of its business, and with such approval may fix their remuneration.

5. There shall be a director of Shipping who shall be the Chief Executive Officer of the Board and responsible to it, who shall be appointed by the Governor in Council on the recommendation of the Board and paid such salary as the Governor in Council may determine.

6. The Director, in carrying out the duties imposed on him by these Regulations, shall at all times be under and subject to the directions of the Board, and shall

- (a) carry out all instructions he may receive from the Board;
- (b) keep under close survey the immediate and prospective ocean transport requirements of Canadian trade;
- (c) deal with such applications as may from time to time be made for transportation and priority of movement with respect to the transport of materials and supplies, other than those consigned to the Government of the United Kingdom or of any other power, by sea between ports in Canada, or between ports in Canada and ports in the United Kingdom, or in any other of His Majesty's dominions, or in any state;
- (d) co-operate with the Transport Controller to the end that internal and external freight traffic may be most effectively and efficiently co-ordinated.

7. All persons or parties, agencies, organizations or associations in any manner whatsoever interested in or concerned with the transportation by sea of materials and supplies, other than those consigned to the Government of the United Kingdom or of any other power, and all owners or charterers of British ships registered in Canada in which cargo space for transportation by sea may be required, shall in all matters act upon and in accordance with the orders issued by the Director acting under the authority of the Board.

8. (1) Every person who contravenes or fails to comply with any of these Regulations, or any order, rule, by-law or direction, made or given under any of these Regulations, shall be guilty of an offence and shall be liable on Summary Conviction to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months, or to both fine and imprisonment; but such person may, at the election of the Attorney General of Canada be prosecuted upon indictment, and if convicted shall be liable to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding five years, or to both fine and imprisonment.

(2) Where the person guilty of an offence against any of these Regulations is a company, corporation, agency, organization or association, every person who at the time of the commission of the offence was a director or officer of the company, corporation, agency, organization or association shall be guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent, or that he exercised all due diligence to prevent the commission of such offence.

9. Order in Council, P.C. 3677, of the 15th day of November, 1939, is hereby amended by striking out in the third paragraph of the preamble the following words "between points or places in Canada and points or places in the United Kingdom or any other of His Majesty's dominions or any allied state," and by striking out the said words where they appear at the end of section 1 of the said Order.

10. These Regulations shall come into force on a day to be fixed by proclamation of the Governor in Council published in the *Canada Gazette*.

11. The Board shall report to the Governor in Council through the Minister.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council designating certain persons living in neutral countries—
enemies

P.C. 4262

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 20th December, 1939.

The Committee of the Privy Council have had before them a report, dated 19th December, 1939, from the Secretary of State for External Affairs, representing, with the concurrence of the Acting Secretary of State of Canada and of the Minister of National Revenue:

That the Government of the United Kingdom have, from time to time, published lists of persons resident in neutral countries, who are deemed to enemies within the meaning of the United Kingdom Trading With the Enemy Act; and

That, for the more effectual enforcement of the Trading with the Enemy Regulations (1939) and of similar War Measures, it is expedient that provision should be made for the identification of persons in neutral countries who have an enemy character.

The Minister, therefore, with the concurrence as aforesaid, recommends that the Secretary of State for External Affairs, with the concurrence of the Secretary of State of Canada and of the Minister of National Revenue, be authorized to publish from time to time, the names of specified persons having an enemy character who shall be deemed to be enemies for the purposes of the Trading with the Enemy Regulations (1939) and of similar War Measures.

The Committee concur in the foregoing recommendation and advise that the requisite authority be granted accordingly.

(Sgd.) H. W. LOTHROP
Assistant Clerk of the Privy Council

Order in Council amending Bacon Board Regulations

Canada Gazette, 13th January, 1940

P.C. 4353

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 27th day of December, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas by Order in Council P.C. 4076 of the 13th December, 1939, regulations were made under the authority of the War Measures Act establishing a Bacon Board to ensure regular and sufficient supplies of bacon for export to the United Kingdom and to control the marketing of bacon and other pork products;

And whereas the Minister of Agriculture reports that it is desirable and expedient to amend the said regulations so as to provide that the exercise of the powers of the said Board shall be subject to the approval of the Minister;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture, is pleased to amend the said regulations and they are hereby amended by deleting the words: "The Board shall have power" in Clause 4 (1) thereof, and substituting therefor the following:

"4. (1) The Board shall have power, subject to the approval of the Minister,"

(Sgd.) H. W. LOTHROP

Assistant Clerk of the Privy Council

Order in Council making Regulations—marketing Nova Scotia apples

Canada Gazette, 13th January, 1940

P.C. 4355

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 27th day of December, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

Whereas His Majesty the King in the right of Canada has, as a war measure, entered into agreements with manufacturers (processors of apples) for the conservation of surplus apples grown in Nova Scotia in the year 1939 by processing the same and with the Nova Scotia Apple Marketing Board Limited whereby the said Board is to act as the Central Selling Agency for the marketing of apples on the basis that the Central Selling Agency shall conduct a pool for the equalization of returns to growers;

And whereas the Minister of Agriculture reports that it is of the utmost importance in the carrying out of this scheme that all growers should participate therein to the full extent of apples marketed by them and should pool receipts so that returns to the said growers may be equalized; and

That it is necessary, to give effect to the scheme, that all apples should be marketed by or through the medium of the aforesaid Central Selling Agency.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and in virtue of the powers vested in the Governor in Council by the War Measures Act or otherwise, is pleased to make the following regulations and they are hereby made and established accordingly:

REGULATIONS

Definitions

1. In these regulations, unless the context otherwise requires,—

- (a) "Annapolis Valley" means the Counties of Queens, Lunenburg, Annapolis, Kings and Hants, in the Province of Nova Scotia;
- (b) "agreement" means a certain agreement between His Majesty the King and the Nova Scotia Apple Marketing Board Limited for the marketing of apples grown in Nova Scotia in the year 1939;
- (c) "apples" means apples grown in the Annapolis Valley in the year 1939;
- (d) "Board" means the Nova Scotia Apple Marketing Board Limited.

Powers of the Board

2. (1) The Board shall have the exclusive right to sell apples for delivery outside the Annapolis Valley and all apples sold or shipped for such delivery before or after the coming into force of these regulations shall be deemed to have been sold or shipped by the Board.

(2) The Board shall be exclusively entitled to receive payment of the sale price of all apples sold or shipped for delivery outside the Annapolis Valley before or after the coming into force of these regulations and the Board is duly authorized on receiving payment to give a release of all claims made or to be made in respect of the sale price of apples so sold or shipped.

(3) The Board shall be entitled to recover any moneys heretofore or hereafter paid to any person other than the Board on account of the sale price of apples sold or shipped for delivery outside the Annapolis Valley.

Pooling of Receipts

3. (1) The Board shall have authority to conduct and shall conduct a pool for the equalization of returns (after deducting all necessary and proper disbursements and expenses as provided for in the agreement) to growers of all moneys received whether from the sale of apples for processing or for consumption as fresh fruit, such pooling arrangement to be on the basis that all growers receive the like returns per barrel for apples of the same varieties, grades and sizes.

(2) No grower shall be entitled to receive or claim from the Board any sum of money for apples other than on the basis of equalized returns.

Export of Apples

4. No person other than the Board shall sell for delivery, ship or export apples out of the Province of Nova Scotia.

Inspection Certificates

5. Notwithstanding anything contained in the Fruit Vegetables and Honey Act or any regulations made thereunder, no inspection certificates shall be issued under the Fruit Vegetables and Honey Act to any person other than the Board or a nominee of the Board.

These regulations shall come into force on the date of publication in the *Canada Gazette*.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Order in Council authorizing Proclamation—Canadian Shipping Board

P.C. 4357

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 27th December, 1939.

The Committee of the Privy Council have had before them a report, dated December 26, 1939, from the Right Honourable the Prime Minister, for the Minister of Trade and Commerce, stating that Clause 10 of Order in Council P.C. 4251, dated December 20, 1939, establishing the Canadian Shipping Board, provides that:

"These Regulations shall come into force on the day to be fixed by Proclamation of the Governor in Council published in the *Canada Gazette*."

The Committee, on the recommendation of the Prime Minister, advise that the said regulations be brought into force on Wednesday, the 27th day of December, 1939, and that a Proclamation do issue accordingly.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Canada Gazette, December 27, 1939

PROCLAMATION

TWEEDSMUIR,
[L.S.]

CANADA

George the Sixth, by the Grace of God of Great Britain, Ireland and the British Dominions, beyond the Seas King, Defender of the Faith, Emperor of India;

To all to whom these Presents shall come or whom the same may in anywise concern,
GREETING;

A PROCLAMATION

W. STUART EDWARDS,
Deputy Minister of Justice, Canada.

Whereas the Canadian Shipping Board was established by Order in Council, P.C. 4251, of the twentieth day of December, one thousand nine hundred and thirty-nine.

And whereas the constitution, powers, duties and regulations under which the said Board shall act were set out in the said Order in Council.

And whereas paragraph 10 of the said Regulations provides that the Regulations shall come into force on a day to be fixed by proclamation of Our Governor in Council published in the *Canada Gazette*.

And whereas it is expedient that the said Regulations should come into force and have effect upon, from and after the twenty-seventh day of December, 1939.

Now know ye that by and with the advice of Our Privy Council for Canada We do hereby proclaim and direct that the said Regulations shall come into force and have effect upon, from and after the twenty-seventh day of December, 1939.

Of all which Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

In testimony whereof we have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. Witness: Our Right Trusty and Well-beloved John, Baron Tweedsmuir of Elsfield, a member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this twenty-seventh day of December, in the year of Our Lord one thousand nine hundred and thirty-nine and in the Fourth year of Our Reign.

By Command,

W. P. J. O'MEARA,
Acting Under-Secretary of State.

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Proclamations
and
Orders in Council

*Passed under the authority of
The War Measures Act*

R.S.C. (1927) Chap. 206

VOLUME 2

CERTIFIED to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 13th January, 1940.

The Committee of the Privy Council have had before them a report, dated 10th January, 1940, from the Honourable C. G. Power, Convener of the Committee of the Cabinet on Legislation, stating:—

1. That under the provisions of The War Measures Act, a large number of Orders in Council, many of them having the force of Statutes, have been passed;
2. That many of such Orders in Council need to be referred to frequently by persons interested in the subjects thereof; and
3. That it is advisable that a compilation of all such Orders in Council should be prepared and published in book form, and that all Proclamations should be included therein;

The Minister, therefore, recommends that he be authorized to undertake the compilation and publication of all Proclamations, and of all Orders in Council passed under the provisions of The War Measures Act, Chapter 206, R.S.C., 1927, having the force of Statutes; that all such Orders in Council passed between August 25, 1939, and December 31, 1939, together with all Proclamations of the same period, constitute the first volume thereof; and that the cost of this and of subsequent volumes be a charge against the moneys provided by Parliament under The War Appropriation Act, 1939.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Note: Volume 2—Orders in Council passed between January 1, 1940, and June 30, 1940.

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Order in Council amending Defence of Canada Regulations — Subversive Activities by Associations, Organizations and Societies

Canada Gazette, January 20, 1940

P.C. 37

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 4th day of January, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports:—

- (1) That regulations 39 and 39A of the Defence of Canada Regulations made by Order in Council P.C. 2483 of the 3rd September, 1939, prohibit certain subversive activities by individuals;
- (2) That it is considered desirable to prohibit subversive activities by associations, organizations and societies and to make certain amendments to the said regulations 39 and 39A.
- (3) That regulation 58 of the Defence of Canada Regulations provides for the issue of a search warrant where there is reasonable ground for suspecting that a war offence has been or is being committed, and it is desirable to amend this regulation to make it applicable to an offence which is about to be committed, and also to revoke paragraph (2) thereof which gives authority to search without a search warrant obtained from a justice of the peace;
- (4) That regulation 62 of the Defence of Canada Regulations provides, amongst other things, for offences by corporations and it is desired to provide in a similar manner for offences by associations, organizations and societies;

Now, therefore, the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under the authority of the War Measures Act, Chapter 206, R.S.C. 1927, is pleased to amend the Defence of Canada Regulations, made by Order in Council, P.C. 2483, 3rd of September, 1939, and they are hereby amended as follows:—

1. Regulations 39, 39A and 58, are hereby rescinded and the following substituted therefor:—

“39. No person shall

- (a) spread reports or make statements intended or likely to cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of any allied or associated powers or to prejudice His Majesty's relations with foreign powers;
- (b) spread reports or make statements intended or likely to prejudice the recruiting, training, discipline, or administration of any of His Majesty's forces; or
- (c) spread reports or make statements intended or likely to be prejudicial to the safety of the State or the efficient prosecution of the war.”

"39A. No person shall print, make, publish, issue, circulate or distribute any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind containing any material, report or statement,

- (a) intended or likely to cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of any allied or associated power, or to prejudice His Majesty's relations with foreign powers;
- (b) intended or likely to prejudice the recruiting, training, discipline or administration of any of His Majesty's forces; or
- (c) intended or likely to be prejudicial to the safety of the State or the efficient prosecution of the war."

"58. (1) if a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that a war offence has been, is being, or is about to be committed, and that evidence thereof is to be found at any premises specified in the information, he may grant a search warrant authorizing any senior police officer or any commissioned officer in His Majesty's force, together with any other persons named in the warrant and any other constables or members of His Majesty's forces to enter the premises at any time or times within one month from the date of the warrant, if necessary by force, and to search the premises and every person found therein, and to seize any article found in the premises or on any such person which the officer has reasonable ground for believing to be evidence of an offence as aforesaid.

(2) No woman shall, in pursuance of a warrant issued under this regulation, be searched except by a woman."

2. Regulation 62 is hereby amended by adding thereto as paragraphs (4) and (5) the following:—

"(4) Where any act is committed by or on behalf of or in the name of any association, organization or society which if committed by an individual person would constitute an offence against the provisions of regulations 39 or 39A of these Regulations, each officer, or person acting or professing to act or holding himself out as an officer or otherwise performing or purporting to perform any executive or official work or duty for or on behalf of any such association, organization or society shall be deemed to have committed such act and be guilty of such offence unless he proves that the act constituting the offence took place without his knowledge or consent or that he exercised all due diligence to prevent the commission of such act.

(5) (a) On the conviction of any person on indictment pursuant to the provisions of paragraphs (4) of this regulation the court may, in its discretion, if it sees fit, declare the association, organization or society by or on behalf of or in whose name such act was committed to be an illegal organization, and in that event every person who thereafter continues to be or becomes an officer or member thereof or professes to be such, or who advocates or defends the acts, principles, or policies of such illegal organization shall be guilty of an offence against this regulation.

(b) A person convicted on indictment pursuant to the provisions of the said paragraph (4), or an executive officer of the association, organization or society involved, may appeal to the court of appeal against a declaration as aforesaid, and the Attorney General of Canada or of the Province may appeal likewise against a refusal to make such a declaration.

- (c) The procedure upon such an appeal and the powers of the court of appeal shall, mutatis mutandis and so far as the same are applicable to such an appeal, be similar to the procedure provided and the powers given by sections 1012 to 1021, inclusive, of the Criminal Code and the Rules of Court passed pursuant thereto and to section 576 of the Criminal Code.
- (d) The court of appeal on the hearing of any such appeal may
- (i) allow the appeal and set aside the declaration or make a declaration as aforesaid, as the case may require; or
 - (ii) dismiss the appeal.
- (6) For the purposes of regulations 39 and 39A the word "person" as used therein shall, in addition to any other meaning it may have, include any association, organization and society."

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Imposing Penalty—Navigation, Welland River

P.C. 92

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 10th day of January, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council, P.C. (3060), dated October 11, 1939, made under the War Measures Act, a portion of the Welland River, extending from the syphon culvert under the Welland Ship Canal, at Welland, Ontario, to the Niagara River and used as the intake and headrace of the Queenston power plant of the Hydro-Electric Power Commission of Ontario, was closed to navigation for the duration of the war in order to safeguard the above-mentioned power plant from possible sabotage;

And whereas the Minister of Transport reports that to make the said Order in Council more effective it is deemed expedient to provide for a specific penalty for the violation of the terms thereof;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to amend the said Order in Council (P.C. 3060), dated October 11, 1939, and it is hereby amended by the addition thereto of the following:

"Every person who contravenes or fails to comply with the provisions of this Order shall, in addition to any other penalty which may be provided by law, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months, or to both fine and imprisonment."

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Amending Defence of Canada Regulations—
Prosecution for an Offence

Canada Gazette, January 27, 1940

P.C. 146

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 17th day of January, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas regulations 39 and 39A of the Defence of Canada Regulations prohibit certain subversive activities;

And whereas the Minister of Justice reports that it is considered desirable that prosecutions for offences against these regulations should not be instituted except by, or with the consent of, counsel acting for the Crown, and that it should be a defence to such prosecution if the accused person proves that he intended, in good faith, merely to criticize the Government;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and pursuant to the provisions of the War Measures Act, is pleased to make the following regulation and it is hereby made, established and added to the Defence of Canada Regulations, immediately after regulation 39A thereof,

"39B. (1) A prosecution for an offence against either regulation 39 or 39A of these Regulations shall not be instituted except by, or with the consent of, counsel representing the Attorney General of Canada or of the Province.

(a) It shall be a defence to any prosecution for an offence against regulations 39 or 39A to prove that the person accused intended in good faith merely to criticize or to point out errors or defects in, the Government of Canada or any province thereof, or in either House of Parliament of Canada or in any legislature, or in the administration of justice."

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council prohibiting Export of Calves' stomachs

Canada Gazette, February 3, 1940

P.C. 148

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 13th day of January, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Agriculture reports that rennet is essential as a coagulating agent in the manufacture of cheese and is obtained solely from calves' stomachs;

That the main source of supply of rennet for use by the dairy industry in Canada has been Poland; and

That it is deemed desirable and expedient that the supply of calves' stomachs available in Canada from which rennet may be manufactured be conserved for use in the Canadian dairy industry.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of the War Measures Act, is pleased to order that the exportation of calves' stomachs be and it is hereby prohibited.

(Sgd.) **H. W. LOTHROP,**
Acting Clerk of the Privy Council.

Order in Council Permitting Certain Wool Free Entry into Canada

P.C. 166

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 13th day of January, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Finance reports that he has received, through the Minister of Labour, a recommendation of the Wartime Prices and Trade Board that wool not further processed than combed, when originating in a country entitled to the benefits of the Intermediate Tariff, be permitted for a period not exceeding four months to enter Canada free of customs duties;

That the Government of the Union of South Africa has expressed willingness to relinquish for the maximum period suggested above the preferential margin of ten cents per pound to which, under the Canada-South Africa Trade Agreement of 1932, the latter country is entitled; and

That, in his opinion, action in accordance with the recommendation of the Wartime Prices and Trade Board is in the public interest and vitally essential to the production of goods urgently required;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under the powers conferred by Section 284, paragraph (k) of the Customs Act, is pleased to order and doth hereby order that, for the period January 1 to April 30, 1940, or such shorter period as the Governor in Council may order, wool not further processed than combed, as described in Item 549 of Schedule "A" to the Customs Tariff, when originating in countries entitled to the benefits of the Intermediate Tariff, shall, subject to the provisions of the Customs Tariff, be permitted entry free of duties of customs, including special duty.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Note: Rescinded by P.C. 722, February 20, 1940.

**Order in Council Authorizing Dependents' Allowance Board —
Naval, Militia and Air**

P.C. 187

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 17th January, 1940.

The Committee of the Privy Council have had before them a report, dated January 16th, 1940, from the Acting Minister of National Defence, representing:

That by an Order in Council of the 6th September, 1939, P.C. 2548, the Dependents' Allowance Board, was constituted for the purpose of administering those provisions of the Financial Regulations and Instructions for the Canadian Active Service Force relating to dependents' allowance;

That the constitution of said Board so far as it pertained to the Vice-Chairman thereof was amended by Order in Council of the 27th September, 1939, P.C. 2876;

That by Order in Council of 13th December, 1939, P.C. 4120, Financial Regulations and Instructions for the Royal Canadian Air Force on Active Service were approved, the said Regulations embodying, with respect to dependents' allowance, provisions similar in principle to those comprised in the Regulations for the Canadian Active Service Force aforementioned;

That in respect of the Naval Service similar provisions for dependents' allowance may be made;

That in the interests of the three Services, and in the interests of those affected, uniformity of administration of the pertinent Regulations is desirable;

That the Dependents' Allowance Board heretofore constituted for the administration of the Dependents' Allowance Regulations pertaining to the Militia should be abolished and that a new Board acting in relation to the three Services should be established.

The Committee, therefore, on the recommendation of the Acting Minister of National Defence, advise:—

1. That the Orders in Council of the 6th September, 1939, P.C. 2548, and 27th September, 1939, P.C. 2876, be hereby cancelled.

2. That a Dependents' Allowance Board, Department of National Defence, be hereby established, said Board to function in respect of all provisions relating to dependents' allowance and regulations pertaining to the Militia and the Air Force already approved and in the case of the Naval Service in respect of any Regulations in that regard which may hereafter be approved, and to be composed as under:—

Chairman—Arthur McNamara, Esq., Chairman for a period of six months, from January 15th, 1940, for the purpose of organizing the work of the new Board. Emolument—\$6,000 per annum, and an allowance of \$10 per day.

Members—Colonel Shulldham Hope Hill, said Officer to continue to be placed on active service, and to be paid at the rates of pay and allowances prescribed for the rank of Colonel by Financial Regulations and Instructions, Canadian Active Service Force, 1939, less the gross amount of Pension granted to him under the Militia Pension Act.

Captain Joseph Gustave Raymond, Reserve of Officers, General List, Canadian Militia. Said Officer to continue to be placed on active service, to hold the temporary rank of Major, and to be paid at the rates of pay and allowances prescribed for that rank by Financial Regulations and Instructions for the Canadian Active Service Force.

Arthur Brown, Esq., representing the Comptroller of the Treasury, without additional emoluments.

Paymaster Captain Marie Joseph Romeo Oscar Cossette, representing the Royal Canadian Navy.

Temporary Flying Officer Walter Alphonse Kenzie, representing the Royal Canadian Air Force.

3. That the said Board report, by its Chairman, to the Minister of National Defence through the Acting Deputy Minister of National Defence charged with the administration of the Branch of the Service to which any case so reported relates.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Establishing Inventions Board

P. C. 239

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 24th day of January, 1940

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Trade and Commerce reports that a large volume of inventions and suggestions intended to further Canada's war effort are being received by the National Research Council, the various departments of Government, and by other bodies;

That there is urgent need for the establishment of a Board to examine all such proposals and to segregate those which might be usefully applied;

That the establishment of such a Board would provide means not only whereby ideas and inventions submitted by citizens of Canada and abroad could be carefully examined and promising proposals cleared to the proper authorities, but would also provide a medium through which the results of researches and studies in the laboratories of the National Research Council, the universities, or industrial companies could be formally placed before authorities vested with power of action or adoption;

That there are on the staff of the National Research Council and of departments of Government persons well qualified to serve as members of a committee to examine inventions and ideas and to segregate those which offer promise of useful application from those which are technically unsound; and

That the National Research Council has facilities for the organization and direction of work of this nature.

Now, Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce, is pleased to establish and doth hereby establish an Inventions Board, with the following organization and functions:

INVENTIONS BOARD

The Inventions Board shall be composed of the following members *ex officio*—

The Acting President, National Research Council—Chairman

The Acting Deputy Minister, Department of National Defence

(Naval and Air)

The Chairman of the War Supply Board.

There shall be a Secretary of the Board to be selected and appointed by the Board from the existing staff of the National Research Council.

FUNCTIONS

The Inventions Board may exercise the following functions:

- (a) The examining of inventions, ideas, technical proposals, etc., pertaining to weapons, warfare, munitions, materials, production, etc., which the Board may receive from the National Research Council, the Department of National Defence, the War Supply Board, or any other Department of Government, or from other sources.
- (b) The rejecting of impracticable and unsound proposals.
- (c) The assessing of the value of promising ideas, placing them before the appropriate government officers and, at the request of such officers, arranging for the testing and development of the ideas.

EXAMINING COMMITTEE

There shall be an Examining Committee, appointed by the Board, which shall be composed of technical officers selected from the staff of the National Research Council, and shall be under the direction of the Secretary of the Board. It will be the duty of the Examining Committee to examine inventions and suggestions, to reject impracticable or unsound proposals, to secure the advice of members of the Consulting Panel, when necessary, on proposals which are considered to possess merit, and to prepare reports on such proposals for the information of the Board.

CONSULTING PANEL

There shall be a Consulting Panel appointed by the Board which may include any specialist, on the staff of the Council or any Government department or university or other body, who is competent to render an authoritative opinion on proposals and inventions received by the Board.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Granting Exemption certificates — Possession of firearms

P. C. 253.

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 22nd day of January, 1940

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Order in Council, P.C. 3042, of the 11th day of October, 1939, provides that no enemy alien shall be in possession of firearms or any ammunition therefor or of any dynamite, gunpowder or other dangerous explosive within Canada;

And Whereas the Minister of Justice reports that certain persons of unquestioned loyalty to Canada, who are technically enemy aliens, are thus denied the possession of firearms or any ammunition therefor;

And Whereas it has been represented to the Minister of Justice that in some cases it is necessary for such persons to be in possession of firearms and ammunition;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, is pleased to amend Order in Council P.C. 3042, of the 11th day of October, 1939, and it is hereby amended by adding thereto the following Regulation:

8. Any person who has been granted an exemption certificate, as provided by Regulation 26A of the Defence of Canada Regulations, shall not be deemed to be an enemy alien for the purposes of the preceding Regulations.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Revoking Various Censorship Regulations and
amending Defence of Canada Regulation —
Cinematograph Film

Canada Gazette, March 16, 1940

P.C. 254

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 22nd day of January, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Censorship Co-ordination Committee, which was requested to review the situation with respect to censorship in the light of the war experience to date, recommends that Orders in Council

- P.C. 2481, dated 1st September, 1939,
- P.C. 2496, dated 1st September, 1939,
- P.C. 2499, dated 2nd September, 1939,
- P.C. 2506, dated 2nd September, 1939,
- P.C. 2562, dated 6th September, 1939,
- P.C. 2563, dated 6th September, 1939, be revoked;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State, with the concurrence of the Postmaster General, the Minister of Transport and the Minister of National Defence, is pleased to revoke the said Orders in Council and they are hereby revoked and cancelled accordingly.

His Excellency in Council, on the same recommendation and with the concurrence aforesaid, is further pleased to order that paragraphs (2) and (3) of Regulation 15 of the Defence of Canada Regulations, as enacted by Order in Council P.C. 2483, of the 3rd September, 1939, be and they are hereby revoked and the following substituted therefor:

“(2) In this Regulation—

- (a) the expression ‘cinematograph film’ includes a sound tract and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of such a film;
- (b) the expression ‘publication’ means, in relation to a cinematograph film, the exhibition of the film to the public, and includes the mechanical or electrical reproduction of any sounds, in connection with the exhibition of the film as aforesaid.”

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Amending P.C. 2524—Licensing of Ships Transferred
to Trade and Commerce from Transport

P.C. 255

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 22nd day of January, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce, is pleased to amend Order in Council, P.C. 2524, of the fifth day of September, 1939, respecting the licensing of ships, and it is hereby amended:—

1. By striking out in subsection (1) of the Regulation the words “the Minister of Transport” and substituting therefore the words “the Minister of Trade and Commerce.”
2. By rescinding subsection (2) of the Regulation and substituting the following:
(2) The Canadian Shipping Board, on behalf of the Minister of Trade and Commerce, shall have power to grant the licenses required by this Regulation and such licenses may be special or general with reference to classes of ships and their voyages.
3. By rescinding subsection (3) of the said Regulation.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Establishing Regulations *re* Permits to Export
to Neutral Countries

Canada Gazette February 3, 1940.

P.C. 286

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 23rd day of January, 1940

PRESENT:

HIS EXCELLENCY:

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State for External Affairs, with the concurrence of the Minister of National Revenue and the Minister of Trade and Commerce, represents that it is considered expedient that certain further measures should be taken to control the export of goods from Canada to neutral countries contiguous to territories under enemy occupation and control in order to carry out more effectively the Regulations respecting the Trading with the Enemy, 1939;

Now Therefore His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs with the concurrence as aforesaid, and under and by virtue of the power vested in the Governor in Council by the War Measures Act, revised Statutes of Canada, 1927, Chapter 206, is pleased to make the following regulations and they are hereby made and established accordingly:—

REGULATIONS

- (1) No person shall export any goods to any neutral country contiguous to territories under enemy occupation or control without first having obtained a permit issued by or on behalf of the Minister of National Revenue.
- (2) Applicants for permits shall furnish, in respect of each proposed shipment for export to the neutral countries referred to in the preceding paragraph, information in writing in the manner and form approved by the Minister of National Revenue.

(Sgd.) H. W. LOTHROP

Acting Clerk of the Privy Council

Order in Council Prohibiting Export of Certain Articles

Canada Gazette, February 3, 1940

P.C. 287

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of January, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas The Secretary of State for External Affairs, with the concurrence of the Minister of National Revenue, represents:

- (1) That it is considered desirable that certain articles deemed capable of being converted into or made useful in the production of arms, ammunition, implements or munitions of war, or military, naval or air stores should be added to the list of articles enumerated in Order in Council P.C. 2785, dated the 20th of September, 1939; and
- (2) That the Advisory Committee on Economic Policy have examined the position in respect of the commodities enumerated hereunder and believe that, with a view to conserving domestic and military requirements of these articles and to preventing their reaching enemy destinations, it is desirable that their export should be made subject to the conditions now governing the export of arms and ammunition;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, with the concurrence as aforesaid, and under and by virtue of the power vested in the Governor in Council by Section 290 of the Customs Act, as enacted by Section 10 of Chapter 24 of the Statutes of 1937, is pleased to make the following regulations and they are hereby made and established accordingly.

REGULATIONS

(1) No person shall export any of the articles enumerated and described hereunder without first having obtained a permit issued by or on behalf of the Minister of National Revenue namely:

Artificial abrasives, including abrasive wheels and grindstones;
Pig-iron;
Steel ingots, blooms and billets; Iron or steel rails, pipes and tubes, new or used;
Mica, including scrap and waste;
Platinum concentrates and residues;
Radium and uranium salts and minerals (including pitchblende);
Selenium;
Tellurium;
Pyrites;
Molybdenum, ore and concentrates;
Tungsten, ore and concentrates; tungsten carbide;
Spiegeleisen, silico-spiegel, silico-manganese.

(2) Applications for permits and permits issued shall be subject to the same conditions and regulations as prescribed in Order in Council P.C. 2785, dated the 20th day of September, 1939.

(3) These Regulations shall come into force on the 5th day of February, 1940.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Establishing Committee *re* Export of Fish to United Kingdom

P.C. 340

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 26th January, 1940.

The Committee of the Privy Council have had before them a report, dated January 25, 1940, from the Minister of Fisheries, representing that the existing conditions in the United Kingdom, on account of the war, have caused a serious shortage in the supplies of fresh fish; that the authorities there are anxious that this shortage shall be offset by supplies from other sources, of which Canada is one, and that it has been explained to him that the Ministry of Food there wishes the organization to develop through the trade, or through Canada, and if the latter, it is not of importance to the Ministry whether the action here is governmental or commercial.

The Minister observes that he has no doubt that large quantities of suitable frozen fresh fish can be made available in Canada that will meet the requirements of the British market, and that any such export business could adequately be taken care of by the Canadian industry.

The Minister further observes that he is of opinion that the Department of Fisheries should afford every feasible assistance to the industry to assure uniformity of action and orderly procedure in marketing arrangements, and that, to this end, a Committee representative of the frozen fish industry in this country should be appointed to advise him as to the formulating of plans whereby the

industry will arrange the orderly supplying of fish to markets in Great Britain and at the same time reasonably maintain existing market contracts.

The Minister, therefore, recommends that he be given authority to name from the frozen fish industry of Canada a committee not exceeding fifteen persons, who will serve without remuneration; that actual out-of-pocket travelling and living expenses be reimbursed the persons so appointed, when it is necessary for them to be absent from their respective headquarters in connection with the work of the committee, and that the expenditure so incurred form a charge against the Fisheries Protection Allotments of Parliamentary Appropriation No. 72,—Fisheries Inspection, including Fishery Officers and Guardians, Fisheries Patrol and Fisheries Protection Services.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Prohibiting Importation of Silver or Black Fox Furs or Skins into Canada

Canada Gazette, February 17, 1940

P.C. 518

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 7th day of February, 1940.

PRESENT:

The DEPUTY OF HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas, with the outbreak of the war, the markets for silver or black fox furs or skins became disorganized;

And whereas the Government of the United States of America considered it necessary to impose a quantitative limitation on the importation of silver or black fox furs or skins into the said United States of America and requested the Government of Canada to agree to conclude a Supplementary Trade Agreement to provide for such quantitative limitation;

And whereas such Supplementary Trade Agreement was concluded on December 30, 1939;

And whereas the quota allotted to Canada under this Trade Agreement for the period of twelve months from December 1, 1939, has been nearly exhausted;

And whereas an unduly large proportion of this quota has been filled by the shipment of pelts of inferior quality;

And whereas the Minister of National Revenue and the Minister of Finance report that the best interests of the silver or black fox industry of Canada require that a system of grading silver or black fox furs be established and that qualitative control over exports should be introduced in order, among other things, to

assure that the quota allotted to Canada for the importation of silver or black fox furs or skins into the United States of America shall be filled by pelts of good quality;

That some time must necessarily elapse before a system of grading can be established and qualitative control over exports of silver or black fox furs or skins can be introduced;

That, in the meantime, the importation of silver or black fox furs or skins into Canada would further aggravate the situation by increasing the number of skins for potential exportation against the very limited quota remaining, by increasing the difficulties of putting into effect an effective grading system which ought particularly to apply to the Canadian product and have regard to the conditions of production and the qualities ruling on Canadian fox ranches, and by further demoralizing prices and market conditions in the limited domestic market in Canada where prices have already been seriously affected by the contraction of demand in consuming markets due to war conditions as a result of which the United States quota restrictions have been imposed; and

That Canada is an exporter rather than an importer of silver or black fox furs or skins and, therefore, no established trade will be adversely affected;

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the joint recommendation of the Minister of National Revenue and Minister of Finance and under and by virtue of the power vested in him by the War Measures Act (Revised Statutes of Canada, 1927, Chapter 206), is pleased to order that the importation of undressed silver or black fox furs or skins into Canada be and it is hereby prohibited as from February 8, 1940, and until such time as a system of grading is set up and control is established over the exports of silver or black fox furs or skins from Canada or until June 30, 1940, if a system of grading and control over exports is not established before that date.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Prohibiting Importation of Goods from Countries Listed

Canada Gazette, February 17, 1940

P.C. 520

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 7th day of February, 1940

PRESENT:

THE DEPUTY OF HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Acting Secretary of State for External Affairs, with the concurrence of the Acting Secretary of State of Canada and the Minister of National Revenue, reports:

That the Government of the United Kingdom in order to ensure that goods of enemy origin are not admitted into that country in contravention of the law relating to trading with the enemy have prohibited the importation of goods from neutral European countries except under certain conditions; and

That it is expedient to establish in so far as may be feasible, uniformity in practice in measures designed to exert economic pressure upon the enemy and to secure enforcement of the Regulations respecting Trading with the Enemy, 1939.

Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State for External Affairs, with the concurrence of the Acting Secretary of State of Canada and the Minister of National Revenue, and under authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make the following regulations and they are hereby made and established accordingly.

REGULATIONS

1. The importation of goods from the following countries:

Albania	Lithuania
Belgium and Luxemburg	Netherlands
Bulgaria	Norway
Denmark	Portugal
Estonia	Roumania
Finland	Spain
Greece	Sweden
Hungary	Switzerland
Iceland	Turkey
Italy	Union of Soviet Socialist Re-
Latvia	publics
Liechtenstein	Yugoslavia

is prohibited, unless a certificate of origin and interest, in the form herein-after set forth, signed by an officer of the Canadian Trade Commissioner Service or of the United Kingdom Consular Service accompanies the goods and is presented with the entry at Customs.

2. A certificate of origin and interest may not be issued if more than 25 percent of the cost of the goods to the manufacturer or producer is due to material and labour of enemy origin.

3. Goods in respect of which a certificate of origin and interest has been obtained must be shipped within the time prescribed by the issuing official which shall not exceed 30 days.

4. In cases where a certificate of origin and interest is required but is not available at time of entry, delivery of the goods may be obtained by payment of a deposit at Customs of double the duty and taxes ordinarily payable under the General Tariff and presentation of proof of payment to or of an undertaking to pay the Custodian of Enemy Property the value of the goods. The deposit may be adjusted upon production of the required certificate of origin and interest or of an authority to import issued by or on behalf of the Custodian.

5. The Minister of National Revenue may exempt any goods or categories of goods from the operation of this order.

6. The certificate of origin and interest, for which the issuing officials shall be entitled to collect a fee equivalent to five shillings sterling, shall be in the following form, provided that a certificate of origin and interest in the form prescribed by the United Kingdom Government may be accepted in lieu thereof.

CERTIFICATE OF ORIGIN AND INTEREST

I, Canadian Government Trade Commissioner, Assistant Trade Commissioner, British Consul General/Consul/Vice Consul at..... hereby certify that A (name of applicant) B (occupation of applicant) residing at has declared before me that the merchandise designated below, which is to be shipped from to consigned to C (name* of consignee) D (occupation of consignee) resident at, has not been grown, produced or manufactured in enemy territory; that no person who is an enemy, or with whom trading is prohibited under any law or regulation for the time being in force, relating to trading with the enemy or relating to trading with persons of enemy nationality or associations, has any interest in such merchandise; and that he has produced to my satisfaction invoices or other trustworthy documents in proof thereof.

The present certificate must not be regarded as an absolute guarantee of the origin of the goods, which remain liable to seizure if they should prove on examination by the competent Canadian authorities to be of enemy origin.

Number and Description of cases.	Marks and Numbers.	Weight or Quantity.	Total Value†	Contents	Name of Producer, Grower or Manu- facturer.
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No part/Not more than ()‡ per cent, of the cost of these goods to the manufacturer is due to material and labour of enemy origin.

The goods covered by this certificate must be shipped within a period of not more than (.....) days from the date hereof.

(Signed)
(Signature of person declaring)

(Signed)
(Signature of issuing officer)

Date
(Official Fee stamp duly cancelled)

This certificate is valid for not more than (one, two, three, etc.) (bales, cases, hogsheads, etc.).

7. These regulations shall not apply to goods in transit to Canada on or before March 1st, 1940.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

* If desired, the word "order" may be inserted here instead.

† This column may be left blank if desired.

‡ The maximum permitted at present is 25 per cent.

Order in Council Authorizing Remission of Duty on Articles and
materials *re* War Contracts

P.C. 68/537

*Certified to be a true copy of a Minute of a Meeting of the Treasury Board,
approved by The Deputy of His Excellency the Governor General in
Council, on the 8th February, 1940.*

NATIONAL REVENUE

The Board had under consideration the following memorandum from the Honourable the Acting Minister of National Revenue:—

“The undersigned, Acting Minister of National Revenue, with the concurrence of the Minister of Finance and the Minister of Transport, believing that it would be of distinct advantage to the United Kingdom and her Allies in the prosecution of the present war, facilitate departmental administration and the work of the War Supply Board and other war agencies, as well as effect substantial economies, has the honour to recommend that authority be granted under Section 3 of the War Measures Act to deal with certain goods covered by war orders or contracts in the following manner:—

A. *The United Kingdom*

1. Remission or refund of Customs duty on articles and materials to be used in the manufacture of munitions of war covered by contracts placed through the War Supply Board for account of the British Government.

2. Remission or refund of Customs duty on permanent and non-permanent plant equipment as follows, necessary to be purchased to fulfil contracts placed in Canada through the War Supply Board for account of the British Government:—

- (a) Where the equipment is of a class or kind not made in Canada to the standard required for the fulfilment of the relevant contract;
- (b) Where the equipment, though of a class or kind made in Canada to the standard required for the fulfilment of the relevant contract, is not procurable from Canadian manufacturers in sufficient quantities and/or within the time limits requisite to the fulfilment of the relevant contract, provided that the facts are established to the satisfaction of the Minister of National Revenue;
- (c) Remission or refund of sales tax on equipment imported under the terms specified in (a) and (b) above, or equipment manufactured in Canada to be used for the same purpose;
- (d) Provided that equipment on which remission or refund of Customs duty and/or sales tax has been secured under (a), (b) and (c) above, shall, at the close of the war, be subject to Customs duty and/or sales tax at the rates of Customs duty or sales tax then in effect, computed on the values as then appraised by a Dominion Customs Appraiser, unless the equipment is exported or destroyed.

3. In respect of equipment required to be purchased to fulfil contracts placed in Canada direct by the British Government, it is ordered that each case shall be considered on its individual merits and a special Order in Council passed if remission or refund of Customs duty and sales tax is to be granted.

B. Allied Nations, including British Dominions Except Canada

Contracts placed by Allied Nations, including British Dominions, except Canada, shall receive the same treatment as provided for in "A" of this Order in Council in respect of British contracts.

* * * *

No remission or refund of Customs duty or sales tax shall be granted under this Order in Council unless and until it is established to the satisfaction of the Minister of National Revenue that the Government or the Governments concerned will receive the benefit thereof.

The Minister of National Revenue may make such regulations as he deems necessary for carrying out the provisions of this Order in Council.

This Order in Council shall be effective on and after September 2, 1939."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

**Order in Council Authorizing Remission of duty to be Determined
by Minister of National Revenue**

P.C. 1/565

*Certified to be a true copy of a Minute of a Meeting of the Treasury Board,
approved by The Deputy of His Excellency the Governor General in
Council, on the 9th February, 1940.*

NATIONAL REVENUE

The Board recommend, under and by virtue of the War Measures Act, that:

1. Order in Council P.C. 68/537 dated February 8th, 1940, be amended by inserting therein, after paragraph B thereof, the following:

"All matters relating to (i) the eligibility of any articles or materials and of any permanent or non-permanent plant equipment for remission or refund of customs duty and/or sales tax under this Order in Council, (ii) the extent of any remission or refund of customs duty and/or sales tax, and (iii) any question of fact or interpretation arising under or in respect of the administration or interpretation of the provisions of the Order in Council shall be dealt with and determined by the Minister of National Revenue."

2. The Order in Council based upon this recommendation shall be effective on and from September 2, 1939.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Amending The Visiting Forces (British Commonwealth)
Act 1933—Various Air Forces

P.C. 578

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 12th day of February, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

WHEREAS subsections (1), (2) and (3) of Section 6 of The Visiting Forces (British Commonwealth) Act, 1933, Chapter 21 of the Statutes of Canada, 1933, read as follows:

"6. (1) The forces, other than home forces, to which this section applies are the naval, military and air forces of His Majesty raised in the United Kingdom, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, or Newfoundland.

(2) The Governor in Council,

(i) may attach temporarily to a home force any member of another force to which this section applies who is placed at his disposal for the purpose by the service authorities of that part of the Commonwealth to which the other force belongs;

(ii) subject to anything to the contrary in the conditions applicable to his service, may place any member of a home force at the disposal of the service authorities of another part of the Commonwealth for the purpose of being attached temporarily by those authorities to a force to which this section applies belonging to that part of the Commonwealth.

(3) Whilst a member of another force is by virtue of this section attached temporarily to a home force, he shall be subject to the law relating to the Naval Service, the Militia, or the Air Force, as the case may be, in like manner as if he were a member of the home force, and shall be treated and have the like powers of command and punishment over members of the home force to which he is attached as if he were a member of that force of relative rank:

Provided that the Governor in Council may direct that in relation to members of a force of any part of the Commonwealth specified the statutes relating to the home forces shall apply with such exceptions and subject to such adaptations and modifications as may be so specified."

And whereas the Minister of National Defence reports that under the British Commonwealth Air Training Plan a number of members of the Royal Air Force, the Royal Australian Air Force and the Royal New Zealand Air Force will be employed on instructional and other duties, and other members of said Air Forces will receive training;

That in pursuance of the said Air Training Plan those members of the Air Forces aforesaid will, whilst so employed or undergoing training, be attached temporarily to the Royal Canadian Air Force; and

That provision should now be made for the attachment temporarily to the Royal Canadian Air Force of members of the Royal Air Force, the Royal Australian Air Force and the Royal New Zealand Air Force, who, for the

purposes of the British Commonwealth Air Training Plan, may be placed at the disposal of the Governor in Council by the Service Authorities of that part of the Commonwealth to which the said Forces respectively belong;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of National Defence, and pursuant to the provisions of The Visiting Forces (British Commonwealth) Act 1933, Chapter 21 of the Statutes of Canada, 1933, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada 1927, is pleased to order and it is hereby ordered that every member of the Royal Air Force, the Royal Australian Air Force, and the Royal New Zealand Air Force who, for the purposes of the British Commonwealth Air Training Plan, has been placed at the disposal of the Governor in Council by the service authorities of that part of the Commonwealth to which the said Forces respectively belong, be attached temporarily to the Royal Canadian Air Force as of such date he is shown in the appropriate order of the Royal Canadian Air Force as having been attached thereto, and that he shall remain so attached until in a like order he is shown as being no longer attached.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Regulating Sale or Possession of Explosives

P.C. 678

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 20th day of February, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas under the Explosives Act, Chapter 62, Revised Statutes of Canada, 1927, the sale of explosive, unless it has been declared under that Act to be an authorized explosive, is prohibited;

And whereas the Minister of Mines and Resources reports that it is considered desirable that, for the duration of the war, the sale of authorized explosive should be controlled;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Mines and Resources and pursuant to the provisions of the War Measures Act, is pleased to make the following Regulations and they are hereby made and established accordingly:—

REGULATIONS

1. The expressions used in these Regulations shall, unless the contrary intention appears, have the same respective meanings as in the Explosives Act.

2. In these Regulations the expression 'approved statement' shall mean a statement, showing the particulars hereinafter referred to, which has been approved in writing by a member of the Royal Canadian Mounted Police, an officer of the provincial police of the province wherein

the explosive is to be used, a police or stipendiary magistrate having jurisdiction in the municipality in which the explosive is to be used, or the chief of police of such municipality.

3. No person shall sell authorized explosive, and no person shall purchase authorized explosive, unless and until the purchaser has furnished to the vendor an approved statement in writing, signed by him, showing the date of the proposed purchase, the amount and description of the explosive required, the purpose for which it is to be used and the full name and address of the purchaser.

4. The vendor of the explosive shall retain such approved statement in his possession and shall, when required, produce it for inspection by an inspector or by a peace officer.

5. Notwithstanding the provisions of regulation 3 hereof, where the explosive is required by the owner or operator of a mine or quarry for the purpose of bona fide mining or quarrying only one approved statement shall be required to be furnished by such owner or operator, to the same vendor, with respect to the same mine or quarry in any one calendar year, unless the Chief Inspector of Explosives shall otherwise direct.

6. The provisions of these Regulations shall not apply to the Department of National Defence or to transactions of sale or purchase of explosive between the owner or operator of a licensed factory and the owner or operator of a licensed magazine.

7. Every person who contravenes any of the provisions of these Regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(Sgd.) H. W. LOTHROP,

Acting Clerk of the Privy Council.

No. 6: Rescinded by Order in Council P. C. 2903, July 4, 1940

Order in Council Rescinding Regulations — Free Entry of Wool

P.C. 722

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 20th day of February, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas Order in Council P.C. 166 of January 13, 1940, provides that wool not further processed than combed, as described in Item 549, Schedule A of the Customs Tariff, when originating in countries entitled to the benefits of the Intermediate Tariff shall be permitted entry free of duties of Customs, including special duty, during the period January 1, 1940, to April 30, 1940, or such shorter period as the Governor in Council might order;

And whereas the Minister of Finance reports that he has received through the Minister of Labour a recommendation of The Wartime Prices and Trade Board that the provisions of Order in Council P.C. 166 be rescinded with effect from February 20, 1940, provided, however, that such wool bona fide purchased on or before February 20, 1940, shall be admitted free of duties of Customs, including special duty, if imported or taken out of warehouse for consumption on or before April 30, 1940.

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Finance, is pleased to order that the provisions of Order in Council P.C. 166 of January 13, 1940, be and they are hereby rescinded with effect from the 20th day of February, 1940, provided, however, that wool not further processed than combed, as described in Item 549, Schedule A, of the Customs Tariff, when originating in countries entitled to the benefits of the Intermediate Tariff, and when bona fide purchased on or before the 20th day of February, 1940, shall be permitted entry free of duties of Customs, including special duty, if imported or taken out of warehouse for consumption on or before the 30th day of April, 1940.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

**Order in Council Exempting Ships in Convoy Port of Halifax
from Pilotage Fees**

Canada Gazette, March 2, 1940

P.C. 764

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 23rd day of February, 1940

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of Transport reports that, under the convoy system adopted during the war a large number of ships proceeding to sea in convoy out of the port of Halifax require pilots at the same time, and there is now a shortage of pilots at Halifax;

That, under the provisions of Part VI of the Canada Shipping Act, 1934, and the By-laws of the Pilotage District of Halifax made thereunder, the payment of pilotage dues is made compulsory within the limits of the said Pilotage District;

That Section 337 of the Canada Shipping Act, 1934, reads as follows:

“337. Every ship which navigates within any pilotage district within the limits of which the payment of pilotage dues is, for the time being, made compulsory under this Part of this Act shall pay pilotage dues, unless—

- (a) such ship is on her inward voyage and no licensed pilot offers his services as a pilot; or
- (b) she is exempted under the provisions of this Part of this Act, from payment of such dues.”

That, under the provisions of Section 337, quoted above, and other relevant sections of the said Act, it is considered that a ship sailing in convoy on her outward voyage from Halifax is liable for the payment of pilotage dues notwithstanding that no licensed pilot is available at the time to pilot such ship;

That it is deemed expedient to relieve ships sailing in convoy outward from Halifax from the payment of pilotage dues when, owing to shortage of pilots, there is no licensed pilot available to pilot such ships.

Therefore His Excellency the Administrator in Council, on the recommendation of the Minister of Transport and under and by virtue of the

War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to order and it is hereby ordered that, notwithstanding anything contained in the Canada Shipping Act, 1934, or the By-laws of the Pilotage District of Halifax made thereunder, any ship proceeding to sea in convoy out of the port or harbour of Halifax, when no licensed pilot is available to pilot such ship, shall be exempted from the payment of pilotage dues.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Prohibiting Importation of Fresh or Frozen Pork
P.C. 768

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 23rd day of February, 1940

PRESENT:

HIS EXCELLENCY
THE ADMINISTRATOR IN COUNCIL:

Whereas the Prime Minister, for the Minister of Agriculture reports with the concurrence of the Minister of Finance and the Minister of National Revenue, that the heavy exports of bacon to the United Kingdom under the arrangements made between the United Kingdom and Canadian Governments for wartime supplies have thus far permitted the marketing of large supplies of hogs at prices in line with the agreed export price for bacon;

That as a result of steadily declining hog prices in the United States under the pressure of heavy supplies in that country there has been a substantial and increasing import of fresh pork into Canada;

That imports of fresh or frozen pork have already resulted in a heavy accumulation of storage stocks beyond anticipated domestic and export requirements; and

That a continuation of such imports at the rate reached in recent weeks would bring about such a fall in prices as would break the continuity of Canadian hog production which the Government has undertaken to maintain to meet the wartime needs of the United Kingdom;

Now, therefore His Excellency the Administrator in Council, on the recommendation of the Prime Minister for the Minister of Agriculture, with the concurrence as aforesaid, and under the authority of the War Measures Act, chapter 206 Revised Statutes of Canada, 1927, is pleased to order and it is hereby ordered that the importation into Canada of fresh or frozen pork under tariff item 7, Meats, fresh, n.o.p.:—

ex(c) Pork, shall, for the term of the current Bacon Agreement with the United Kingdom, viz., until October 31st, 1940, be restricted so that the imports in any calendar month shall not exceed a quantity equivalent to the average monthly imports during the period January 1st to September 30th, 1939; this restriction to be effected on and after February 26th, 1940, by means of a prohibition of the importation of fresh or frozen pork except under licence issued according to regulations to be prescribed by the Minister of National Revenue.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Regulating Importation Silver or Black Fox Furs

P.C. 839

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 28th day of February, 1940

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas by Order in Council, P.C. 518, dated February 7, 1940, the importation of undressed silver or black fox furs or skins was prohibited as from February 8th, 1940, and until such time as a system of grading is set up and control is established over the exports of silver or black fox furs or skins from Canada, or until June 30th, 1940, if such a system is not established before that date;

And Whereas the Acting Minister of National Revenue reports, with the concurrence of the Minister of Finance, that it is desirable to permit the importation of undressed silver or black fox furs or skins for the purpose of being dressed and then exported;

Therefore, His Excellency the Administrator in Council, on the recommendation of the Acting Minister of National Revenue, with the concurrence of the Minister of Finance and under and by virtue of the provisions of the War Measures Act, is pleased to order and it is hereby ordered that the prohibition established by Order in Council P.C. 518, dated February 7, 1940, shall not apply to undressed silver or black fox furs or skins imported into Canada for the purpose of being dressed and exported from Canada within thirty days of the date of importation, under regulations to be prescribed by the Minister of National Revenue.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Regulating Permits—Export of Goods to Neutral Countries

P.C. 885

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 29th day of February, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas, in accordance with the provisions of Order in Council P.C. 286 of the 23rd January, 1940, the export of goods to neutral countries contiguous to territories under enemy occupation or control is prohibited except under export permit issued by or on behalf of the Minister of National Revenue;

And Whereas the Minister of Finance reports, with the concurrence of the Minister of Trade and Commerce, that export permits, which are only issued by the appropriate authorities after receipt of certificates from the consignee that the goods will not reach an enemy destination, expedite the passage of bona fide shipments through the Contraband Control in the same way as do the navicerts accompanying United States exports to European neutral countries; and

That the fact that export permits are not required for exports to European neutral countries which are not directly contiguous to territories under enemy occupation and control limits the effectiveness of measures designed to exert economic pressure upon the enemy and deprives Canadian exporters to these countries of the protection against Contraband Control delays afforded by the export permit system;

Now, Therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Finance, concurred in by the Minister of Trade and Commerce, and under and by virtue of the power vested in the Governor in Council by the War Measures Act, Chapter 206, R.S.C. 1927, is pleased to make the following regulations supplementary to those contained in Order in Council P.C. 286 of January 23rd, 1940, and they are hereby made and established accordingly:—

REGULATIONS

1. No person shall export any goods to

Bulgaria
Estonia
Finland
Greece
Latvia

Norway
Roumania
Spain; or
Sweden

Without first having obtained a permit issued by or on behalf of the Minister of National Revenue;

2. Applicants for permits shall furnish in respect of each proposed shipment for export to the countries enumerated in the preceding paragraph information in writing in the manner and form approved by the Minister of National Revenue.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Canada Gazette (Extra), March 2, 1940

Proclamation

L. P. DUFF,
Deputy Governor General
[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To ALL To WHOM these Presents shall come or whom the same may in anywise concern,

GREETING:

A PROCLAMATION

W. STUART EDWARDS,
Deputy Minister of
Justice, Canada.

Whereas by a Proclamation, issued by His Majesty the King, by and with the advice of His Privy Council in the United Kingdom, a declaration of a Contraband List was made in the United Kingdom and given public notice.

And whereas by reason of the state of war which exists between Canada and the German Reich, it is expedient to give public notice of a Contraband List, and thereby to specify the Articles which shall be treated as Contraband of War.

And whereas Our Governor General in Council has ordered that during the continuance of the War, or until public notice is given by Proclamation, the Articles enumerated in Schedule I hereto shall be treated as Absolute Contraband, and the Articles enumerated in Schedule II hereto shall be treated as Conditional Contraband.

Now know ye that by and with the advice of Our Privy Council for Canada and pursuant to the powers vested in Us by the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, We do by this Our Proclamation declare and direct that during the continuance of the War, or until further public notice is given by Proclamation, the Articles enumerated in Schedule I hereto shall be treated as Absolute Contraband, and the Articles enumerated in Schedule II hereto shall be treated as Conditional Contraband.

Of All which Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved Counsellor the Right Honourable Sir Lyman Poore Duff, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Chief Justice of Canada and Deputy of Our Right Trusty and Well-beloved John, Baron Tweedsmuir of Elsfield, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of our Dominion of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this eighth day of December in the year of Our Lord one thousand nine hundred and thirty-nine and in the Third year of Our Reign.

By Command,

E. H. COLEMAN,
Under-Secretary of State.

SCHEDULE I

(a) All kinds of arms, ammunition, explosives, chemicals or appliances suitable for use in chemical warfare, and machines for their manufacture or repair; component parts thereof; articles necessary or convenient for their use; materials or ingredients used in their manufacture; articles necessary or convenient for the production or use of such materials or ingredients.

(b) Fuel of all kinds; all contrivances for, or means of, transportation on land, in the water or air, and machines used in their manufacture or repair; component parts thereof; instruments, articles or animals necessary or convenient for their use; materials or ingredients used in their manufacture; articles necessary or convenient for the production or use of such materials or ingredients.

(c) All means of communication, tools, implements, instruments, equipment, maps, pictures, papers, and other articles, machines, or documents necessary or convenient for carrying on hostile operations; articles necessary or convenient for their manufacture or use.

(d) Coin, bullion, currency, evidence of debt; also metal, materials, dies, plates, machinery, or other articles necessary or convenient for their manufacture.

SCHEDULE II

(e) All kinds of food, foodstuffs, feed, forage, and clothing and articles and materials used in their production.

Order in Council Establishing Agricultural Supplies Board

Canada Gazette, March 16, 1940

P.C. 948

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 6th day of March, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas in order to ensure that the agricultural resources of Canada shall be utilized to the best advantage during the war, it is deemed essential that provision be made for constructive direction of agricultural production and for dealing with matters pertaining to the purchase and distribution of supplies for use in agricultural production and for the preparation and conservation of agricultural products;

Now therefore His Excellency the Administrator in Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, for the Minister of Agriculture, and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is hereby pleased to establish a Board, to be known as the "Agricultural Supplies Board," and to make the following Regulations governing the constitution, powers and duties of the said Board:

REGULATIONS REGARDING CONSTITUTION, POWERS AND DUTIES OF THE AGRICULTURAL SUPPLIES BOARD

1. These Regulations and any amendments and additions thereto may be cited as the Agricultural Supplies Board Regulations.

INTERPRETATION

2. For the purpose of these Regulations, unless the context otherwise requires,

- (a) "Board" shall mean the Agricultural Supplies Board;
- (b) "Minister" shall mean the Minister of Agriculture;
- (c) "supplies for use in agricultural production" shall mean feed, seed, fertilizers, insecticides, fungicides and other materials for use in the production, preparation and conservation of agricultural products;
- (d) "agricultural products" shall mean animals, meats, live and dressed poultry, eggs, dairy products, coarse grains, fruit and fruit products, maple products, honey, tobacco and other agricultural products grown or produced on farms.

CONSTITUTION OF THE BOARD

3. (a) There shall be a Board, to be called the Agricultural Supplies Board, composed of six officers of the Department of Agriculture, named by the Governor in Council.
- (b) The Board may, subject to the approval of the Governor in Council, appoint such officers, clerks and other persons as may be deemed necessary to assist the Board in the performance of its duties, and such persons shall receive such remuneration respectively as the Board shall, with the approval of the Governor in Council, determine.
- (c) Three members of the Board shall constitute a quorum and the concurrence of at least three members shall be necessary for the execution of any act by the Board, provided, however, that if at any meeting of the full Board there is an equality of votes the Chairman or the Acting Chairman of the Board shall have the final or casting vote.
- (d) The signatures of the Chairman or Acting Chairman and the Secretary of the Board shall, with respect to any matter, evidence the opinion or report of the Board.
- (e) The Governor in Council may, from time to time, fill any vacancy on the Board.
- (f) If any member is unable at any time by reason of absence, incapacity or inability to perform the duties of his office, the Minister may appoint, for a period not exceeding four months, a temporary member upon such terms and conditions as he may determine.
- (g) Members of the Board, its officers, clerks or other employees and members of any Advisory Committee established under these Regulations shall be entitled to receive and be paid their actual and reasonable disbursements for travelling expenses necessarily incurred by them in connection with the discharge of their duties.
- (h) The headquarters of the Board shall be at Ottawa and meetings of the Board shall be held at Ottawa or at such other place as the Board may decide.
- (i) All expenses made by the Board in connection with its activities shall be paid out of monies allotted from the War Appropriation.

POWERS OF THE BOARD

4. The Board shall have power—
- (a) to establish Advisory Committees, and to consult or collaborate with any Dominion or Provincial Agricultural Service;
- (b) subject to the approval of the Governor in Council on the recommendation of the Minister, to buy, sell, store, distribute and regulate the distribution of supplies for use in agricultural production;
- (c) to formulate and submit to the War-Time Prices and Trade Board measures designed to prevent abnormal relationships, likely to result in unbalanced production, in prices of supplies for use in agricultural production and agricultural products;
- (d) to arrange through existing Government agencies for statistical data with regard to supplies for use in agricultural production and agricultural products;
- (e) to distribute informative literature dealing with the production and distribution of supplies for use in agricultural production and

agricultural products, and with the approval of the Governor in Council to conduct advertising campaigns;

- (f) to require any person producing, dealing in or having control of any supplies for use in agricultural production or accommodation suitable for the storage thereof to make periodical or other returns at such times and containing such particulars as may be required by the Board;
- (g) to make recommendations to the Minister for submission to the Governor in Council with respect to the withholding of licences for the exportation of supplies for use in agricultural production.

GENERAL

5. All contracts or agreements to be entered into by the Board and authority for any liability to be incurred therein shall be subject to the approval of the Governor in Council on the recommendation of the Minister. This authority may be general authority for making the expenditures necessary to carry out the provisions of the contract or it may be a specific authority authorizing the purchasing, storing, preparation, conservation or distribution of supplies for use in agricultural production.

6. The Board shall maintain complete and accurate records of all its transactions.

7. The Board shall, as soon as possible after the termination of each fiscal year, submit to the Minister an annual report of the Board in such form as the Minister may prescribe.

- 8. (a) Any person who fails to make any return authorized by paragraph (f) of clause 4 to be made to the Board, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars, and if such person be convicted in respect of a failure to make a return as provided for in paragraph (f) of clause 4, and the failure continues after the conviction he shall be liable on summary conviction to a fine not exceeding two hundred dollars for each day on which such failure continues, not, however, exceeding a total of five thousand dollars.
- (b) Where any offence under these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

His Excellency the Administrator in Council is further pleased to repeal the following Orders in Council setting up the Agricultural Supplies Committee, and they are hereby repealed accordingly, viz:—

P.C. 2621 dated September 9, 1939;
P.C. 2622 dated September 9, 1939; and
P.C. 3692 dated September 17, 1939.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Council.

Order in Council Authorizing War Service Badges, Form, etc.

P.C. 1022

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 29th day of March, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of National Defence reports that in the Great War, 1914-18, it was found necessary for the Government to issue War Service Badges; and

That, owing to the state of War now existing, similar conditions have arisen, making it desirable that provision be made for a badge suitable for wear either in uniform or civilian clothes to distinguish and identify, after they have ceased to serve on Active Service, those members of the Naval, Military or Air Forces of Canada who have declared their willingness or who have engaged to serve in the said Forces on Active Service beyond Canada and Overseas during the present War;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding any other Act, Law, or Regulation, is hereby pleased to authorize and establish a War Service Badge, "Service" Class, and to approve the classification and regulations pertaining to said Badge as set out hereunder.

CLASSIFICATION

Subject to the regulations herein contained, the following persons shall be eligible for War Service Badges, "Service" Class, provided that not more than one Badge shall be issued to any one person:—

"Members of the Naval, Military or Air Forces of Canada who have declared their willingness, or who have engaged to serve in any of the said forces on active service beyond Canada and Overseas, during the present war, and who have honourably ceased to serve on active service:—

- (1) After not less than three months of continuous paid service.
- (2) By reason of physical disability."

REGULATIONS

1. Badges for this class shall be distributed and issued in such manner as may be directed by the Minister of National Defence.

2. Every badge so issued shall bear a serial number for the purpose of identification.

3. Applications for the "Service" Class badge shall be made on such form as is prescribed by the Minister of National Defence and eligibility shall be established by reference to the original personal documents of the applicant.

4. With each badge shall be issued a certificate in the form prescribed by the Minister of National Defence, numbered serially, to the effect that

the person mentioned therein is entitled to wear the badge bearing the corresponding number; such certificate shall contain particulars respecting the person to whom it is issued.

5. Every person wearing or having in his possession one of the said badges shall carry the corresponding certificate mentioned in Section 4 of these Regulations as evidence of his right to wear or possess the badge and shall, on the request of any Commissioned Officer, Police Constable or Peace Officer, produce the said certificate for inspection and identification. Any irregularity will be reported with particulars of the case to the local Police for investigation, and to the Officer Commanding the Naval Forces, Militia, or Royal Canadian Air Force as the case may be, in the locality concerned.

6. No person other than one duly authorized under these Regulations shall wear any badge issuable thereunder or any badge so nearly resembling the same as to be calculated to deceive or any badge purporting to show the wearer comes within the classification aforesaid.

7. Every person who by false representation or mis-statement obtains or attempts to obtain any badge or certificate issuable under these Regulations either from the authorities charged with the issue of the same or from any person to whom said badge and certificate may lawfully have been issued shall be guilty of an offence under these Regulations.

8. Every person to whom any badge or certificate had been issued under these Regulations who defaces or alters any such badge or certificate or who sells, pledges, or otherwise disposes of, or attempts to sell, pledge, or otherwise dispose of the said badge, and every person who thereby obtains possession of the said badge shall be guilty of an offence under these Regulations.

9. In case any person shall lose either his badge or certificate he shall forthwith report the loss to the Secretary, Department of National Defence, and a new badge may be issued if circumstances warrant.

10. For the purpose of the trial of a person under these Regulations the offence shall be deemed to have been committed either at the place in which the same actually was committed or at any place in Canada in which the offender may be found.

11. Any person violating or infringing any of the provisions of these Regulations shall be liable, on summary conviction, under the provisions of Part XV of the Criminal Code, to a fine not exceeding five hundred dollars (\$500) or to imprisonment for a period not exceeding six (6) months. Upon the prosecution of any person for illegally wearing the badge herein approved, the production of the authority mentioned in Section 4 herein shall be *prima facie* proof that the accused is entitled to wear same, but in the absence of such certificate the onus of proof shall be upon the accused.

12. The following shall be the form of the badge to be issued under these Regulations—

War Service Badge, "SERVICE" Class:—a white metal button with shank and back; a shield charged with three maple leaves, in red enamel, conjoined on one stem, and augmented in dexter canton by the Union Flag and in sinister chief, within a circle, by three fleurs-de-lis in gold on a blue field; on a panel above, the serial number, stamped; the whole surmounted by a crown; and underneath on a scroll the word "SERVICE". And having on the back in raised letters; "PENALTY FOR MISUSE 500 DOLLARS OR SIX MONTHS IMPRISONMENT." Height $1\frac{3}{8}$ inches. Width $\frac{7}{8}$ inch.

13. Until published in the Canada Gazette with the consent of the Minister of National Defence, these regulations shall have no force and effect. Upon being so published in the Canada Gazette, these regulations shall be deemed to have come into force and effect on the 1st of September, 1939.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council Authorizing Refund of Sales Tax on Certain Articles

P.C. 26/1045

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Administrator in Council, on the 19th March, 1940.

NATIONAL REVENUE

The Board has under consideration the following memorandum from the Honourable the Minister of National Revenue:—

“The undersigned, the Minister of National Revenue, has the honour to report that under the agreement relating to the British Commonwealth Air Training Plan, certain contributions in kind by the British Government will be imported into Canada and these Articles will be admitted under Customs Tariff Item 708, which reads:

‘Arms, military stores, munitions of war and other articles the property of the Imperial Government, and to remain the property of such Government; articles consigned direct to officers and men of His Majesty’s Imperial Navy, for their own personal use or consumption, on board their own shipsFree

That no provision is made under the Special War Revenue Act for the exemption from the consumption or sales tax of these articles;

That the said agreement was signed on December 19th, 1939, by The Right Honourable, the Prime Minister on behalf of Canada, and this was authorized, vide P.C. 222, dated January 18th, 1940;

The undersigned has, therefore, the honour to recommend that, under the provisions of Section 3 of The War Measures Act, authority be granted, effective December 17th, 1939, for the refund or remission of the sales tax on articles admitted entry under Customs Tariff Item 708.”

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Establishing Regulations Naval, Military and
Air Force Estates

P.C. 1065

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 19th day of March, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of National Defence reports that, in the event of a member of the Naval, Military or Air Forces of Canada dying while serving on active service, it is desirable that provision be made for the collection of the assets comprising his Service estate, and for the distribution thereof in a speedy and economical manner, and that the procedure governing the same be as uniform as possible;

That in the case of members of the Military Forces of Canada who died while on service in the War 1914-1918 there was followed so far as practicable the procedure laid down in the Regimental Debts Act, 56 Victoria, Chapter 5, (an Act of the Parliament of the United Kingdom), it being observed in this connection that the said Act did not apply to the Naval Forces of Canada, and that there were then no Canadian Air Forces;

That the application of the said Regimental Debts Act was found to be both cumbersome and inconvenient, and that in many respects it was questionable whether the same was applicable as a matter of law;

That in the majority of instances the Service estates of deceased members of the Forces will not be large, and that if the collection and distribution of the assets was left to the next-of-kin or beneficiaries of the individual Estate, the same would involve costs quite out of proportion to the amount of the Estate concerned;

That in the circumstances it would be in the public interest for such Estates to be administered by the Department of National Defence, and an Administrator of Estates has been appointed accordingly; and

That it is desirable that Regulations be enacted governing the administration and distribution of said Service Estates.

Now therefore His Excellency the Administrator in Council, on the recommendation of the Minister of National Defence, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased, notwithstanding the provisions of any other Act, Law or Regulation, to make the Regulations annexed hereto, entitled "Regulations for the Administration and Distribution of Naval, Military and Air Force Estates, 1940," and they are hereby made and established accordingly.

His Excellency in Council is hereby further pleased to order that these Regulations shall come into force and effect on the First day of April, 1940.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

REGULATIONS FOR THE ADMINISTRATION AND DISTRIBUTION OF NAVAL, MILITARY AND AIR FORCE ESTATES, 1940

1. In these Regulations, unless the context otherwise requires:—

- (a) “Minister” means the Minister of National Defence.
- (b) “Administrator of Estates” means the Officer of the Department of National Defence appointed to administer the service estates of deceased members of the Naval, Military and Air Forces of Canada on Active Service.
- (c) “Member” means any person serving in the Naval, Military, or Air Forces of Canada on Active Service.
- (d) “Service Estate” in respect of a deceased member means that part of his personal estate which consists of balance of pay and allowances and other emoluments emanating from the Crown, which at date of death are due or otherwise payable, and effects issued by the Crown, which under Regulations he is permitted to retain, and all personal belongings found on the deceased and in camp, quarters or otherwise in the care or custody of the Service authorities, including cash on hand and personal articles and effects.
- (e) “Appropriate Paymaster” means:
 - (i) In respect of a member of the Naval Forces, the Accountant Officer of the ship or establishment,
 - (ii) In respect of a member of the Military Forces or of the Air Forces, the Paymaster of the unit or formation, who at the date of such members’ death was responsible for the issue of pay to said member.

2. Except as otherwise specifically provided herein, these Regulations shall apply in respect of a member notwithstanding anything to the contrary in the provisions of any Act (other than the War Measures Act), Regulations or Order relating to the Force in which such member was serving at date of death, provided that in respect of a member of the Naval Forces, these Regulations shall only apply to the extent that they are not inconsistent with any law, Regulation or Order relating to the Naval Service, and the provisions of King’s Regulations and Admiralty Instructions shall continue to apply to Naval personnel.

3. The Minister may appoint an Administrator of Estates who shall be a barrister of at least fifteen years’ standing and who shall be directly responsible to the Deputy Minister of National Defence. Such officers, clerks and employees as are necessary for the administration of the service estates of deceased members may be appointed in the manner authorized by law.

4. On receipt of report of death, the Officer i/c Records—Naval, Military, or Air, as the case may be, at National Defence Headquarters shall promptly forward notice thereof to the Administrator of Estates, giving particulars thereof and of the next-of-kin as appearing on the “Particulars of Family” form, together with the deceased member’s will on deposit in such Record Office, or if there is no Will so deposited, information as to where such Will is located, if known.

5. On the death of a member, a Committee of Adjustment shall be appointed to:—

- (a) Secure and make an inventory of all the personal effects of the deceased, on his person, in camp, quarters or otherwise in the care or custody of the Service authorities.

- (b) Ascertain the amount of the preferential charges on the service estate of the deceased.
- (c) Forward all personal effects, wherever located, for custody, to the appropriate officer designated by Article 221 or by Article 831 (as the case may be) of the Financial Regulations and Instructions hereinafter referred to.
- (d) Lodge with the appropriate Paymaster on the forms supplied, the inventory of effects, showing disposition of such effects, and a report including particulars of preferential charges and of any other debts or claims of any nature which have come to its notice, together with any cash on hand, vouchers and accounts.

6. The following shall be the preferential charges on the service estate of the deceased member, and shall be a first charge or lien against such estate and be payable in preference to all other debts and liabilities, and as among such charges, in the following order:—

- (i) Expenses of last illness and funeral over and above those borne by the Government of Canada.
- (ii) Service debts, namely sums due in respect of, or of any advance in respect of (a) quarters, (b) mess, canteen, band and other service accounts, (c) service clothing, appointments and equipment, not exceeding a sum equal to six months' pay of the deceased, and having become due within eighteen months before his death.

7. When Death Occurs in Canada.

The provisions of Articles 221 of Financial Regulations and Instructions for the Canadian Active Service Force (Canada) and of Financial Regulations and Instructions for the Royal Canadian Air Force on Active Service (Canada) shall, except to the extent that such provisions are inconsistent with these Regulations, apply with respect to a deceased member of the Active Militia on Active Service and of the Royal Canadian Air Force on Active Service respectively. Wherever in the said Articles the expressions "Officer i/c Estates" and "Estates Branch" occur, there shall for the purposes of these Regulations be substituted therefore the expression "The Administrator of Estates", Department of National Defence.

8. When Death Occurs in the United Kingdom:—

- (i) The provisions of Articles 831 of Financial Regulations and Instructions for the Canadian Active Service Force (Overseas) and of Financial Regulations and Instructions for the Royal Canadian Air Force on Active Service (Overseas) shall, except to the extent that such provisions are inconsistent with these Regulations, apply with respect to a deceased member of the Active Militia on Active Service and of the Royal Canadian Air Force on Active Service respectively.
- (ii) The personal effects and documents referred to in said Articles 831 shall, pending instructions from the Administrator of Estates as to their disposal, be retained by the Officer i/c Estates, Overseas, in safe custody.

9. When Death Occurs Outside of Canada or the United Kingdom:—

- (i) The Commanding Officer of the deceased member's unit shall as soon as possible appoint an Officer who shall act as a Committee of Adjustment to secure all the deceased member's effects and forward same, with an inventory thereof, giving full regimental description of the

deceased member, in a sealed package to the Officer i/c Estates, Overseas, who shall retain same in safe custody, pending instructions from the Administrator of Estates.

- (ii) The Officer acting as a Committee of Adjustment shall forward to the appropriate Paymaster a copy of the inventory of effects referred to in clause (i) of this paragraph together with a statement of such preferential charges as may have come to his notice, Pay Book, and the documents and cash referred to in Articles 831 of the Financial Regulations and Instructions (Overseas) mentioned in paragraph 8 of these Regulations. Such Paymaster shall then deal with such inventory, statement, Pay Book, documents and cash in the manner prescribed in the said Articles.
- (iii) The Commanding Officer of any unit, or formation, may, if he considers it desirable or expedient, appoint an officer to act as a standing Committee of Adjustment and may appoint more than one officer to act in such capacity, each of whom shall act as a standing Committee of Adjustment.

10. A Last Pay Certificate for a member dying outside of Canada shall be forwarded, as soon as possible, by the Chief Treasury Officer, Overseas, to the Officer i/c Estates, Overseas, who will retain same pending instructions from the Administrator of Estates.

11. In case a doubt or difference arises in relation to any preferential charge, or the payment or disposition of same, the decision of the Minister shall be final and binding on all persons for all purposes.

12. Where any member is certified by the proper Service authorities as being insane, the provisions of these Regulations shall apply as if he had died at the time of his insanity being so certified, and his service estate shall be dealt with accordingly and, when so dealt with, shall be applied for the benefit of such insane person.

13. The Administrator of Estates shall administer the service estates of deceased members, and

- (a) Where, in a Will of a deceased member, an executor has been named and such nominee has been appointed executor by the Court of competent jurisdiction, or where an administrator, or an administrator with Will annexed, has been appointed by the court of competent jurisdiction, the Administrator of Estates may cause to be delivered over to such executor or administrator for distribution, the net assets of the said service estate in his possession.
- (b) Where, in a Will of a deceased member, an executor has been named and such nominee has not been appointed executor by the Court of competent jurisdiction, or where no administrator has been appointed by the Court of competent jurisdiction, the Administrator of Estates may cause to be distributed the net assets of the said estate in accordance with the law applicable in each case to the distribution of personal estates.
- (c) Where, under sub-paragraph (b) hereof, no distribution, or only a partial distribution, of any service estate can be made in accordance with such law, the Administrator of Estates shall convert the net assets, or such balance thereof, into cash and pay the same to the Receiver General of Canada, to be by him deposited in a special Trust Account or Accounts as designated by the Comptroller of the Treasury pending final distribution to the person or persons entitled thereto.

14. Notwithstanding anything in these Regulations contained, no person shall have as a matter of right any claim against the service estate, or any part thereof, of a deceased member.

15. In respect of service estates of deceased members distributable, or partly distributable, in or from the United Kingdom, these Regulations shall apply and the powers, duties, and functions thereunder of the Administrator of Estates shall be exercised and performed by the Officer i/c Estates, Overseas, under the direction of the Administrator of Estates.

16. In the exercise of their powers, duties and functions under these Regulations, any Committee of Adjustment, any Paymaster, and the Administrator of Estates, shall, to the exclusion of all authorities and persons whomsoever, have the same rights and powers in respect of the service estate of a deceased member as if they and each of them respectively had taken out legal representation in respect of said estate.

17. Compliance with these Regulations with respect to the administration of a service estate shall discharge the Minister, the Administrator of Estates, any Paymaster, any Committee of Adjustment or other person complying therewith, from all liability by reason of any assets in his hands having been paid, transmitted, remitted, or otherwise dealt with in accordance therewith.

Government Notice

Canada Gazette (Extra) March 28, 1940

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA

To all to whom these Presents shall come or whom the same may in anywise concern,

GREETING:

Whereas Regulation 15 of the Defence of Canada Regulations provides that the Secretary of State of Canada may make provision by order for preventing or restricting the publication in Canada of matters as to which he is satisfied that the publication thereof would or might be prejudicial to the safety of the State or the efficient prosecution of the war, and that any such order may contain such incidental and supplementary provisions as may appear to the Secretary of State to be necessary or expedient for the purposes of the order.

And Whereas it has been represented to the undersigned that the publication *Kanadsky Gudok* (The Canadian Whistle) published in the Russian language at Winnipeg, in the Province of Manitoba, has been disseminating subversive and pro-Nazi propaganda among persons of Russian origin in Western Canada with a view to assisting the enemy and undermining the loyalty of such persons to Canada.

And Whereas the Royal Canadian Mounted Police have reported to the undersigned that immediate action should be taken to prevent the dissemination of such subversive and pro-Nazi propaganda emanating from this source.

Know You that the undersigned, the Acting Secretary of State of Canada, pursuant to the powers vested in him by Regulation 15 of the Defence of Canada Regulations, is pleased to order and doth hereby order that the publication of the Russian language paper *Kanadsky Gudok* (The Canadian Whistle) be prohibited.

Dated at the Department of the Secretary of State at the City of Ottawa, this twenty-eighth day of March in the year of Our Lord, one thousand nine hundred and forty.

ERNEST LAPOINTE,
Acting Secretary of State.

Order in Council with Respect to The Visiting Forces (British Commonwealth) Act 1933

P.C. 1066

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 3rd day of April, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas for the purpose of establishing the relationship and status of Military and Air Forces of Canada when in the United Kingdom and elsewhere outside of Canada on occasions when similar Forces of the United Kingdom and of other parts of the Commonwealth are also present, the Governor General in Council, by Order in Council of 2nd November, 1939, P.C. 3391, as amended by Order in Council of the 23rd November, 1939, P.C. 3802, ordered and declared—

1. That all Military and Air Forces of Canada present in the United Kingdom serve together with the Military and Air Forces, respectively, of the United Kingdom;
2. That all Military and Air Forces of Canada serving on the Continent of Europe shall act in combination with those Forces of the United Kingdom serving on the Continent of Europe with which they may from time to time be serving, and that they shall so act upon their embarkation in the United Kingdom for the purpose of proceeding to the Continent of Europe; and
3. That, in respect of any Military and Air Forces of Canada serving in the United Kingdom, those parts thereof as may from time to time be detailed for that purpose by the appropriate Canadian Service Authorities as from time to time designated by the Minister of National Defence, shall act in combination with those Forces of the United Kingdom to which the same have been so detailed.

And whereas, for the purpose of giving effect to the provisions of subsection (2) of Section 6 of The Visiting Forces (British Commonwealth) Act, 1933, the appropriate Canadian Service Authorities were authorized, by the said Order in Council, to take such action as may be necessary to effect the attachment of members of the Military and Air Forces of any other part of the Commonwealth to Canadian Forces and vice versa;

And whereas the Minister of National Defence reports that with respect to the Military Forces of the United Kingdom similar declarations have now been made by the Army Council under the provisions of the Visiting Forces (British Commonwealth) Act of the United Kingdom corresponding to those provisions of The Visiting Forces (British Commonwealth) Act, 1933, Canada, pursuant to which the aforesaid declarations were made, with this addition, however, that as well as declaring that the Military Forces of the United Kingdom and the Military Forces of Canada which embark in the United Kingdom for the purpose of proceeding to the Continent of Europe, or which are serving on the Continent of Europe, shall act in combination, the Army Council has declared that said Forces shall also serve together;

That, while it was not considered to be necessary that Forces which are declared to be acting in combination should also be declared to be serving

together, nevertheless it is desirable that there be uniformity of procedure in the matter of declarations made under the respective Canadian and United Kingdom Statutes, and, in consequence, it would be expedient if the enacting portion of the Order in Council of 2nd November, 1939, P.C. 3391, as amended by Order in Council of the 23rd November, 1939, P.C. 3802, were cancelled and new provisions substantially uniform with those followed by His Majesty's Government in the United Kingdom were enacted;

Now therefore His Excellency the Administrator in Council, on the recommendation of the Minister of National Defence and pursuant to the provisions of the Visiting Forces (British Commonwealth) Act, 1933, Chapter 21 of the Statutes of Canada, 1933, and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, is pleased to order and doth hereby order and declare—

- (1) That all Military and Air Forces of Canada which are present in the United Kingdom or on the Continent of Europe, or are proceeding from one to the other, serve together with the Military and Air Forces, respectively, of the United Kingdom;
- (2) That all Military and Air Forces of Canada serving on the continent of Europe shall act in combination with those Forces of the United Kingdom serving on the Continent of Europe with which they may from time to time be serving, and that they shall so act upon their embarkation in the United Kingdom for the purpose of proceeding to the Continent of Europe; and
- (3) That, in respect of any Military and Air Forces of Canada serving in the United Kingdom, those parts thereof as may from time to time be detailed for that purpose by the appropriate Canadian Service Authorities as from time to time designated by the Minister of National Defence, shall act in combination with those Forces of the United Kingdom to which the same have been so detailed.

His Excellency in Council, for the purpose of giving effect to the provisions of sub-section (2) of Section 6 of the Visiting Forces (British Commonwealth) Act, 1933, is hereby further pleased, under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, to authorize the appropriate Canadian Service Authorities to take such action as may be necessary to effect the attachment of members of the Military and Air Forces of any other part of the Commonwealth to Canadian Forces and vice versa.

His Excellency in Council is hereby further pleased to order that the foregoing shall be deemed to have force and effect as of and from the 2nd November, 1939.

His Excellency in Council is also pleased to revoke Order in Council of the 2nd November, 1939, P.C. 3391, as amended by Order in Council of the 23rd November, 1939, P.C. 3802, and it is hereby revoked accordingly, as of the said 2nd day of November, 1939.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council authorizing acquisition of vessels for protection of
Canadian shipping

P.C. 1341

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Administrator on the 5th April, 1940.

The Committee of the Privy Council have had before them a report, dated 3rd April, 1940, from the Minister of Transport, stating that an urgent need exists for the immediate acquisition of certain types of vessels for the protection of Canadian shipping and that after examination of shipping procurable he is of the opinion that the vessels required can be obtained at a total cost of approximately \$1,700,000.

The Minister accordingly recommends that he be authorized, under and by virtue of the provisions of the War Measures Act, to take such steps as he may think fit to purchase such vessels as he may deem necessary for the purposes above mentioned at a total cost not exceeding \$1,700,000.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council Authorizing Regulations Protective Equipment
Mercantile Ships

P.C. 1358

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 5th day of April, 1940.

PRESENT:

HIS EXCELLENCY
THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of National Defence reports that it is most essential that Mercantile Ships registered in Canada be provided with protective equipment for the protection of personnel in such ships against machine gunning from enemy aircraft; and

That there is at present no authority under which owners of such ships may be compelled to install such special equipment;

Therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of National Defence, and under the provisions of the War Measures Act, Chapter 206, Revised Statutes of Canada 1927 and notwithstanding the provisions of any other Act or Regulation, is pleased to make the following Regulations and they are hereby made and established accordingly.

REGULATIONS

(1) These Regulations shall apply to all Ships registered in Canada whose owners are notified by competent Canadian Naval authority that they are required to provide protection on board their ships for personnel exposed to machine gun attack by enemy aircraft.

(2) No ship, the owner of which has been so notified shall proceed to sea from any Canadian port except upon permission granted by competent Canadian Naval Authority, unless she is provided with such special equipment as may from time to time be ordered by such competent Naval authority for the purpose of protecting her personnel against machine gun attack from enemy aircraft.

(3) The nature of the equipment to be provided shall be as determined by competent Canadian Naval authority who will at the time of notification to the owner as mentioned in Regulation (1) hereof, furnish the owner with full details of the equipment so to be provided.

(4) These Regulations shall come into force as of and from the 1st day of April, 1940.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

Order in Council Amplifying Powers and Duties Wool Controller

Canada Gazette April 13, 1940

P.C. 1384

AT THE GOVERNMENT AT OTTAWA

TUESDAY, the 9th day of April, 1940

PRESENT:

HIS EXCELLENCY
THE ADMINISTRATOR IN COUNCIL:

Whereas by Order in Council P.C. 2734 of the 18th day of September, 1939, approval was given to the appointment by the Wartime Prices and Trade Board of David C. Dick, Esquire, as Wool Administrator, to be responsible for, among other matters, the conduct of negotiations with the United Kingdom Wool Control, the organization of any necessary arrangements for the securing of supplies of wool required by Canadian manufacturers, the supervision of the purchase, shipment, delivery and allocation of such supplies, and such other duties as may be assigned to him by the Board;

And Whereas the Wartime Prices and Trade Board reports that the United Kingdom Wool Control has purchased for the duration of the war all New Zealand and Australian crossbred wools and has for the current year made substantial purchases of crossbred wools in non-Empire countries, paying varying prices for the same grade in the different countries of origin;

That the United Kingdom Wool Control has undertaken to sell crossbred wools to Canadian purchasers at the weighted average price for each grade of wool, irrespective of its origin;

That the United Kingdom Wool Control has instructed shippers of wool to invoice all wools to the Canadian purchasers thereof at the contract price for each grade and proposes that the said weighted average price for each grade be arrived at by means of supplementary payments or rebates in respect of each transaction; and

That, on the recommendation of the Wool Administrator, the Board deems it expedient that the powers and duties of the Wool Administrator be amplified, as hereinafter set forth, for the purpose of giving effect to the said proposals which, in the opinion of the Board, are fair and reasonable.

Now therefore His Excellency the Administrator in Council, on the recommendation of the Minister of Labour and pursuant to the powers conferred by the War Measures Act and otherwise, is pleased to order and it is hereby ordered as follows:

1. The Wool Administrator, under the direction of the Wartime Prices and Trade Board, shall have power, from time to time

- (a) to prescribe a scale whereby supplementary payments and rebates shall be made to him by, or paid by him to, buyers of crossbred wools, sufficient to enable him to assure to the United Kingdom Wool Control the weighted average price for each grade of crossbred wool and sufficient to assure the Board against loss;
- (b) to prescribe the manner, procedure, terms and conditions according to which such payments or rebates shall be collected from buyers or paid to them, as the case may be;
- (c) to receive from the said buyers and from the United Kingdom Wool Control and to pay to them or any of them such amounts as become due;
- (d) to do such things as may be necessary or expedient to collect any sum owing by any person accordingly;
- (e) to do such things and execute such documents as may be necessary or expedient to give effect to this arrangement with the United Kingdom Wool Control.

2. The Wool Administrator shall deposit all funds received by him in such bank or banks as the Board may direct and the funds so deposited may be drawn against for the aforesaid payments and rebates and for such other proper and official purposes as the Board may authorize, by cheques signed by such persons as the Board may from time to time designate.

3. On the termination of the office of Wool Administrator, any surplus funds to the credit of the Wool Administrator shall be paid by him to the Receiver General of Canada to form part of the Consolidated Revenue Fund of Canada.

4. The Wool Administrator shall keep proper records and books of account, which records and books shall be subject to audit by the Auditor General of Canada at such times and in such manner as the said Auditor General shall determine.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council Authorizing Admission Wool Tops and Noils Duty Free

Canada Gazette, April 13, 1940

P. C. 1405

AT THE GOVERNMENT HOUSE AT OTTAWA,

TUESDAY, the 9th day of April, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of Finance has received from the Wartime Prices and Trade Board a report setting forth that co-operation with the United Kingdom Wool Control necessitates a larger proportion than heretofore of

Canada's wool requirements being imported in the fleece and that wool-combing facilities in Canada are entirely inadequate, and recommending that wool exported from Canada for combing and returned as tops and noils be free of customs duties, including special duty;

And whereas the Minister is of opinion that such free entry until otherwise ordered will adversely affect no Canadian industry and will be of great assistance to the domestic processors of wool, including those working on urgent Government orders;

Therefore His Excellency the Administrator in Council, on the recommendation of the Minister of Finance, with the concurrence of the Minister of National Revenue and under the powers conferred by Section 284, paragraph (k), of the Customs Act, is pleased to order and it is hereby ordered that tops and noils produced in Intermediate Tariff countries from wools previously exported from Canada and returned to the exporter of such wools shall, subject to regulations prescribed by the Minister of National Revenue, be admitted free of customs duties, including special duty.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council Authorizing Regulation *re* Awards to Members,
Armed Forces of Canada**

P.C. 1430

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Administrator on the 9th April, 1940.

The Committee of the Privy Council have had before them a report, dated April 3, 1940, from the Minister of National Defence, representing, with the concurrence of the Secretary of State for External Affairs, as follows:—

1. The question of awards and decorations, medals and commendations, to Canadians, in respect of war services, was raised in certain communications from the High Commissioner for the United Kingdom in Canada.

2. The special position of Canadians, who are members of United Kingdom Armed Forces and who are not at the same time members of Canadian Forces, required immediate action; and, on the 22nd December, 1939, the High Commissioner was informed that it was the view of the Canadian Government that immediate awards to such Canadians for gallantry in contact with the enemy, and periodical and operational awards for other services in the field, should be considered and dealt with in the same manner as awards to other members of the United Kingdom Armed Forces.

3. Immediate action needs to be taken to extend the instruction dated the 22nd December, 1939, with respect to Canadians serving as members of United Kingdom Forces so as to include all awards of decorations, medals and commendations, including those which are made while not in contact with the enemy.

4. Immediate action is necessary to make provision for awards to members of Canadian Forces temporarily attached to United Kingdom Forces.

5. It is expedient that provision should be made for dealing with the general position of members of Canadian Armed Forces, including attached personnel, along the general lines set forth in the report of the Committee, to which reference has been made.

The Minister of National Defence, therefore, with the concurrence as aforesaid recommends:

(1) That the Government of the United Kingdom be informed that, in the case of Canadians who are members of the United Kingdom Armed Forces and not, at the same time, members of Canadian Forces, and, in the case of individual members of Canadian Forces, temporarily attached to United Kingdom Forces, immediate, periodical and operational awards for services, including decorations, medals and commendations, should be considered and dealt with in the same manner as awards to other members of the United Kingdom Forces. The Canadian Government would, however, appreciate advance information in the case of periodical and operational awards.

(2) That in the case of members of Canadian Armed Forces, including personnel of other Forces attached thereto, a submission should be made through appropriate channels to His Majesty the King, with a view to making provision for awards of medals and decorations, in accordance with the following principles:

- (a) All awards of medals and decorations are to be made by, or in the name of, the King.
- (b) Commendations are to be made pursuant to arrangements approved by the King.
- (c) In instances in which, under existing authorities, immediate awards may be made by a Commander, any arrangements with regard thereto, in so far as Canadian personnel is concerned, shall be deemed to have been made with the concurrence of His Majesty's Government in Canada.
- (d) In instances in which the decision as to awards is to be made by the Governor in Council, the procedure is to be approved by the King and the awards are to be made in the name of the King.
- (e) Arrangements for investiture are to be indetical in all cases. When the recipient of the award is in England or in the vicinity of England, he may proceed in accordance with arrangements by, and approved by, the King, for investiture. When the recipient is in Canada (assuming that the King is not in Canada) investiture may be by the Governor General, under arrangements approved by the King.

(3) That, in the foregoing submission, His Majesty the King should be requested to approve the following arrangements, the references therein to the "Commander" being to the officer appointed to command forces serving together and acting in combination under the provisions of The Visiting Forces (British Commonwealth) Act (and the corresponding United Kingdom statute;

- (a) C.A.S.F. (including attached personnel) serving in France and acting in combination with United Kingdom Forces:

(1) Immediate Awards, upon the recommendation of the Commander. He would follow the same procedure as in the case of United Kingdom personnel.

(2) Periodical and Operational Awards. Recommendations should be made by the Commander, and the same procedure followed as in the case of United Kingdom personnel, subject to one qualification,—that he should furnish advance lists for the information of the Canadian Government. For this purpose, the channel of

communication might be either through the Canadian G. O. C. or, in the alternative, from War Office to Canada House.

- (b) R.C.A.F. (including attached personnel) serving in France and acting in combination with R.A.F. This would cover both army co-operation and independent units.

The same procedure would be followed as in the case of C.A.S.F. There would, of course, be a different Commander, the channel of communication would be Air Ministry to Canada House, instead of War Office.

- (c) C.A.S.F. (including attached personnel) serving in United Kingdom, but not acting in combination with the United Kingdom Forces.

In the case of both Immediate Awards and Periodical and Operational Awards, recommendation would be transmitted by the officer commanding the Canadian troops in the United Kingdom through Canada House to the Minister of National Defence for decision by Council.

- (d) R.C.A.F. (including attached personnel) serving in the United Kingdom, but not acting in combination with the R.A.F.

The same course would be followed with the same channel of communication, substituting the senior R.C.A.F. Officer in the United Kingdom for the Officer Commanding Canadian troops.

- (e) C.A.S.F. and R.C.A.F. (including attached personnel) serving in the United Kingdom, and acting in combination with United Kingdom Forces.

Immediate Awards upon recommendation of the Commander, following the same channel and procedure as in the case of United Kingdom troops. In the case of Periodical and Operational Awards, arising while acting in combination, recommendations would be transmitted from the Commander, through the War Office or Air Ministry, to Canada House, to the Minister of National Defence, for decision by Council.

- (f) Canadian Active Militia and R.C.A.F. (including attached personnel) serving in Canada.

In the case of both Immediate Awards and Periodical and Operational Awards, recommendations would be transmitted through the Minister of National Defence to Council. It should be observed that attached personnel will be treated in precisely the same manner as Canadian personnel, with the exception that, in the case of Periodical and Operational Awards, there will be communication to the interested Governments, along the same general lines as are suggested in the converse case of Canadian personnel attached to United Kingdom units.

- (g) R.C.N.

- (i) In the case of all personnel serving in Canada or on Canadian ships based on Canadian ports; both Immediate and Periodical and Operational Awards will be made upon recommendation of the Minister of National Defence to Council.

- (ii) Where Canadian Naval personnel are serving elsewhere, and under a United Kingdom Commander, Immediate Awards will be made by the United Kingdom Commander through the Admiralty, following the same procedure as in the case of United Kingdom personnel. In the case of Periodical and Operational Awards, recommendation will be made in the

ordinary way by the Commander, but advance information will be communicated to the Canadian Government through the Admiralty and Canada House.

- (iii) In any instance in which a Canadian Naval unit is operating for a long period of time under a United Kingdom Commander, and away from Canadian bases, arrangements may be made to have Immediate, Periodical and Operational Awards, following the same channels and procedure as in the case of United Kingdom personnel, in the same manner in which the problem is dealt with in the case of C.A.S.F. while serving in France.

(4) That, pending the settlement of the arrangements and their approval by His Majesty the King, temporary arrangements may be made, in consultation with the Government of the United Kingdom, for making immediate awards of decorations and medals, and commendations may be made by notice published in the "Canada Gazette" by the Minister of National Defence, indicating that the King has been graciously pleased to give orders for the publication of the names of the persons to be commended, members of the Armed Forces of Canada, as having been brought to notice for valuable services rendered in connection with the War.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council Amending Defence of Canada Regulations —
Ships and Aircraft in Canadian Waters**

Canada Gazette, April 13, 1940

P.C. 1434

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 9th day of April, 1940

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas by Defence of Canada Regulation No. 40 provision is made for certain powers with respect to control over shipping to be exercised within the ports of Canada or Canadian waters as defined by the Customs Act (hereinafter referred to as Canadian waters);

And whereas it is deemed to be expedient for securing the public safety and the defence of Canada to make more extended provisions for the protection and control over ships and aircraft within Canadian ports and Canadian waters;

Now therefore His Excellency the Administrator in Council, on the recommendation of the Secretary of State for External Affairs with the concurrence of the Ministers of National Defence, National Revenue and Transport, and under and by virtue of the power vested in him by The War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is pleased

to make the following Defence of Canada Regulation and it is hereby made and established accordingly:—

40A. (1) Any person authorized by the Minister of National Defence or by the Minister of National Revenue to act under this Regulation may, if it appears to that person to be necessary in the interests of the defence of Canada so to do, give, with respect to any particular ship or aircraft at a port or place in Canada or within Canadian waters, directions that the ship or aircraft shall not leave the port or place or Canadian waters until permitted to do so by such authority or person as may be specified in the directions and, in the case of a ship or aircraft in Canadian waters, that such ship or aircraft shall, in addition, proceed to a Canadian port or place named in the directions; and, if that ship or aircraft leaves or attempts to leave the port or place in contravention of any such directions as aforesaid or fails to proceed to the Canadian port or place named in the directions, the master of the ship or pilot of the aircraft, as the case may be, shall be guilty of an offence against this Regulation:

Provided that the directions given under this paragraph shall cease to have effect seventy-two hours after the time at which they are given unless in the meantime they have been confirmed by the Minister of National Defence or the Minister of National Revenue.

(2) Any person acting on behalf of His Majesty may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary to secure compliance with any directions given under this Regulation with respect to the ship or aircraft or, where an offence against this Regulation has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the offence to be effectually taken.

This Regulation shall be effective as and from the 8th day of April, A. D. 1940.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council Authorizing Proclamation re "Department of Munitions and Supply"

P.C. 1435

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Administrator on the 9th April, 1940.

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that a proclamation do issue bringing into force and effect on the 9th day of April, 1940, "The Department of Munitions and Supply Act", Chapter 3 of the Statutes of Canada, 1939 (Second Session), assented to on the 13th day of September, 1939.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Proclamation

Canada Gazette (Extra) 10th April, 1940

L. P. DUFF,
Aministrator,

[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To all to whom these Presents shall come or whom the same may in anywise concern,—GREETING:

A PROCLAMATION

W. STUART EDWARDS,
Deputy Minister of
Justice, Canada.

Whereas in and by section twenty-one of The Department of Munitions and Supply Act, assented to on the thirteenth day of September, one thousand nine hundred and thirty-nine, being Chapter Three of the Statutes of Canada 1939 (Second Session), it is provided that the said Act shall come into force on a day to be fixed by proclamation of Our Governor in Council.

And Whereas it is expedient and Our Privy Council has advised that the said Act should come into force and have effect upon, from and after the ninth day of April in the year of Our Lord one thousand nine hundred and forty.

Now Know Ye that We by and with the advice of Our Privy Council for Canada do by this Our proclamation declare and direct that the said Act shall come into force and have effect upon, from and after the ninth day of April in the year of Our Lord one thousand nine hundred and forty.

Of all which Our Loving subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved Counsellor The Right Honourable Sir Lyman Poore Duff, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Chief Justice of Canada and Administrator of the Government of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this ninth day of April, in the year of Our Lord one thousand nine hundred and forty and in the Fourth year of Our Reign.

By Command,

E. H. COLEMAN,
Under-Secretary of State.

Order in Council Incorporating Powers, Authorities and Method of
Procedure Department of Munitions and Supply

P.C. 1437

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY the 9th day of April, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Right Honourable W. L. Mackenzie King, the Prime Minister, reports, with the concurrence of the Minister of Transport, that by reason of the coming into force on this date of The Department of Munitions and Supply Act, Chapter 3 of the Statutes of Canada, 1939 (Second Session), it is advisable to amend the said Act by incorporating therein certain powers and authorities and establishing certain methods of procedure heretofore enjoyed and followed by the War Supply Board pursuant to Order in Council, P.C. 2696, dated September 15th, 1939, as amended from time to time.

Now Therefore His Excellency the Administrator in Council, on the recommendation of the Prime Minister, with the concurrence of the Minister of Transport, and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, and notwithstanding anything contained in the said Department of Munitions and Supply Act (hereinafter referred to as "the said Act"), is pleased to order and it is hereby ordered as follows:—

1. (a) The expression "defence projects", where used in the said Act, shall include the construction, erection, repair, improvement, maintenance or extension of buildings, airdromes, airports, dockyards, roads, defence fortifications or other naval, military or air force works.
- (b) The expression "supplies", where used in the said Act, shall include materials, equipment, ships, aircraft, automotive vehicles, animals, goods, stores and articles or commodities of every kind including, but not restricting the generality of the foregoing (i) articles and equipment which, in the opinion of the Minister, would be essential for the needs of the Government or of the community in war; and (ii) anything which, in the opinion of the Minister, is, or is likely to be, necessary for or in connection with the production, storage or supply of any such article as aforesaid;
2. (1) The Minister shall have
 - (a) authority to procure, purchase and acquire munitions of war and supplies which may be required by the Government of Canada, and to procure the execution and carrying out of defence projects for, during or respecting the present war, and to enter into contracts therefor and in respect thereof including, but without restricting the generality of the foregoing, contracts for the repair, maintenance and servicing of munitions of war and supplies;
 - (b) exclusive authority to exercise the authority set out in paragraph (a) above with respect to munitions of war and supplies and defence projects which may be required by the Department of National Defence, excepting however (i) munitions of war or supplies manu-

factured in an arsenal or factory owned or operated by the Government of Canada and (ii) defence projects carried out by persons in the employ of His Majesty in right of Canada and (iii) such munitions of war or supplies as the Minister, at the request or with the approval of the Minister of National Defence, for reasons of practicability or otherwise, requests the Department of National Defence by either a specific or a general request to procure, purchase or acquire, and (iv) such defence projects as the Minister, at the request or with the approval of the Minister of National Defence, for reasons of practicability or otherwise, requests the Department of National Defence by either a specific or a general request to procure the execution of and to carry out.

- (c) exclusive power and authority to superintend and enforce the performance of all contracts entered into by the Department of National Defence prior to November 1, 1939, including such thereof as were negotiated, executed or partly performed before the last mentioned date, according to the respective terms of such contracts, and not otherwise, but subject to variance of such terms by mutual consent in the same manner as if the variance were a contract negotiated by the Minister.

(2) In respect of all contracts to be entered into by the Minister other than contracts entered into under or pursuant to section 6 of the said Act, the following provisions shall apply:

- (a) requisitions shall be made by the Department of the Government of Canada concerned to the Minister for the purchase of any munitions of war or supplies or for the carrying out of any defence projects:
- (b) such requisitions shall state the estimated cost of the munitions of war or supplies or the defence projects, as the case may be:
- (c) requisitions shall be signed in accordance with the following provisions
 - (i) if the requisition involves an estimated expenditure not exceeding \$5,000, the requisition shall be signed by the Minister or the Deputy Minister or an Acting Deputy Minister of the Department concerned or by such other officer or officers of the Department as the Minister of such Department may authorize;
 - (ii) if the requisition involves an estimated expenditure exceeding \$5,000 but not exceeding \$50,000, the requisition shall be signed by the Minister or the Deputy Minister or an Acting Deputy Minister of the Department concerned;
 - (iii) if the requisition involves an estimated expenditure exceeding \$50,000, the requisition shall be signed by the Minister of the Department concerned;
- (d) tenders shall be called for and purchases shall be made and defence projects carried out by contracts given to the lowest tenderer, except in cases where in the opinion of the Minister it is impracticable or not in the public interest to call for tenders or not in the public interest to let the contract to the lowest tenderer; provided however that the Minister may, in his discretion, dispense with calling for tenders in any particular case or cases if, having regard to prior purchases by or on behalf of any of His Majesty's Governments or the Government of any allied or associated power made by any Department of the Government of Canada or by any board, agency or association, of similar munitions of war or supplies, the Minister is satisfied that the price

proposed to be paid for the munitions of war or supplies to be purchased without calling for tenders is fair and reasonable, and the course being taken by him is in the public interest.

- (e) in cases where the amount involved in any proposed contract exceeds \$5,000, the proposed contract shall not be entered into until authority to do so has been granted by the Governor in Council;
- (f) in cases where the amount involved in any proposed contract does not exceed \$5,000, the Minister may enter into such proposed contract without authority from the Governor in Council other than that conferred hereby;
- (g) in the case of extras or other allowances or of variations, alterations, or modifications to or of any contract by reason of which the total amount of the expenditure involved will exceed the amount of expenditure involved in the original contract, the foregoing provisions of this subsection shall apply mutatis mutandis, having regard to the amount of such excess;

3. (1) The Minister may by notice in writing require any person producing, dealing in, or having control of any munitions of war or supplies, to make periodical and other returns, at such times and containing such particulars as may be specified in the notice, as respects

- (a) the stocks of munitions of war and supplies for the time being held by him and the quantities of same which by virtue of any contract are to be delivered by or to him and the date of delivery thereof and any contemplated purchase or other acquisition of munitions of war or supplies directly or indirectly from sources other than Canadian and the source thereof, and
- (b) the facilities available for producing such munitions of war and supplies or storing stocks thereof.

(2) Where a government department of any person or body of persons has, by virtue of any Act or Order in Council, power to obtain for any purpose information as to matters with respect to which the Minister is empowered by the foregoing subsection or by subsections (2) or (3) of section 8 of the said Act to require returns to be made:

- (a) that department, person or body shall, if so required by the Minister, exercise that power for the purpose of assisting the Minister in obtaining any such information; and
- (b) any such information obtained by that department, person or body, whether upon a requisition of the Minister or otherwise, may, notwithstanding anything in any other exactment, be furnished to the Minister.

4. (1) The Minister may give directions to any person who by virtue of any contract, whether made with the Minister or any government department or authority or any other person, and whether made before or after the coming into force of this order, is under an obligation—

- (a) to deliver any munitions of war or supplies; or
- (b) to carry out any defence project;
that any work in connection with such munitions of war, supplies or defence projects shall be given priority over all other work, or shall be given priority over other work to such extent and by such means as may be specified in the directions.

(2) Where the Minister is satisfied that any person to whom directions have been given under the foregoing subsection has failed without a reasonable excuse

to comply with those directions, he may give that person directions to deliver such munitions of war or supplies or to execute and carry out such defence project within such period as may be specified in the directions.

(3) Where the Minister is satisfied that any person

(a) producing, dealing in or having control of any munitions of war or supplies, or executing or carrying out defence projects; or

(b) carrying on a business which in the opinion of the Minister is suitable for or can be adapted to producing or dealing in munitions of war or supplies or executing or carrying out defence projects;

having been requested by the Minister or any government department or authority or the War Supply Board or any other person concerned to enter into a contract for the delivery of munitions of war or supplies or the carrying out of defence projects on terms which appear to the Minister to be fair and reasonable, has refused or failed to enter into the contract, he may give that person directions to deliver any such munitions of war or supplies or to execute or carry out any such defence projects within such period and to or for the Minister or any government department or authority or such person as may be specified in the directions.

(4) The period specified in any directions given as aforesaid shall be a period within which, in the opinion of the Minister, it is possible for the munitions of war or supplies to be delivered or the defence projects to be executed or carried out having regard to all the circumstances of the case, and any such directions may provide that the obligation to comply therewith within that period shall be conditional on the happening or continuance of circumstances so specified.

(5) Where the Minister is satisfied that any person to whom directions have been given under this section has failed without reasonable excuse to comply with the directions, or where the Minister is satisfied that any such person will fail, or is likely to fail, to deliver any such munitions of war or supplies or to execute or carry out any such defence projects within the period specified in the directions, the Minister may authorize any person to carry on, until the Minister otherwise directs and subject to and in accordance with the provisions hereafter contained in this Order or in the said Act, the whole or any part of the business of a person to whom the directions were given.

(6) Where directions are given to any person under this section, then the compensation, if any, to be paid in addition to any price or remuneration which would have been payable if the directions had not been given shall be such as may be agreed between that person and the Minister or in default of agreement the claim for compensation shall be referred by the Minister of Justice to the Exchequer Court or to a superior or county court of the province within which the claim arises or to a judge of any such court.

(7) Where the failure to fulfil any contract, whether made before or after the coming into force of this Order, is due to the compliance on the part of any person with any directions given by the War Supply Board under section 7 of Order in Council P.C. 2696 dated September 15, 1939, as amended by Order in Council P.C. 617 dated February 15, 1940, or by the Minister, under this section, proof of that fact shall be a good defence to any action or proceeding in respect of the failure.

5. Where directions are given to any person under section 10 of the said Act for the storage of any munitions of war or supplies, the compensation for such storage shall be such as may be agreed between that person and the Minister

or in default of agreement the claim for compensation shall be referred by the Minister of Justice to the Exchequer Court or to a superior or county court of the province within which the claim arises or to a judge of any such court.

6. Wherever the word "Minister" is used herein it shall mean the Minister of Munitions and Supply.

A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council defining duties Minister of Munitions and Supply

P.C. 1438

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 9th day of April, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Right Honourable W. L. Mackenzie King, the Prime Minister, with the concurrence of the Minister of Transport, reports that by reason of the coming into force on this date of the Department of Munitions and Supply Act, Chapter 3 of the Statutes of Canada, 1939 (Second Session), it is necessary to make provision, inter alia, for the assumption and taking over by the Minister of Munitions and Supply of contracts made by or with the Defence Purchasing Board or the War Supply Board and the work of the latter Board as from the date hereof, to authorize the Minister of Munitions and Supply to perform the duties specified in paragraph (b) of sub-section (1) of section 7 of the said Act in respect of the procuring, purchasing and acquisition of munitions of war and supplies for His Majesty's Government in the United Kingdom and for the Government of the Republic of France, and to repeal Order in Council, P.C. 2696, dated September 15th, 1939, establishing the War Supply Board;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Prime Minister, with the concurrence of the Minister of Transport and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order and it is hereby ordered as follows:—

1. The Minister shall assume and take over all the contracts made by or with the Defence Purchasing Board or the War Supply Board and the work of the War Supply Board as from the date hereof and shall have the same power and authority in respect of such contracts as is or but for the provisions of this Order would have been possessed by the War Supply Board with respect thereto, including, without in any way limiting the generality of the foregoing, power and authority to enter into on behalf of His Majesty in right of Canada any contract which the Governor in Council has authorized the War Supply Board to enter into but which has not been entered into at or prior to the date hereof. In addition the Minister shall have the same power and authority to supervise and complete the performance of, amend, vary, alter or modify any contract entered into by the Defence Purchasing Board or the War Supply Board or accept any tender or offer made to the War Supply Board as agent or otherwise as if the said contract had originally been entered into by the Minister or as if the said

tender or offer, as the case may be, had originally been made to the Minister. Without in any way limiting the generality of the foregoing the Minister, in all contracts heretofore made by the Defence Purchasing Board or the War Supply Board, shall be and be deemed to be the successor of said Boards respectively, and on behalf of His Majesty in right of Canada shall be entitled to exercise all powers and authority conferred upon said Boards or either of them under said contracts or any of them and shall enjoy all rights and discretions given to said Boards or either of them under said contracts or any of them.

2. The Minister is hereby authorized to perform the duties specified in paragraph (b) of subsection (1) of section 7 of the Department of Munitions and Supply Act in respect of the procuring, purchasing and acquisition of munitions of war and supplies as defined in the said Act and in Order in Council P.C. 1437, dated April 9th, 1940, for His Majesty's Government in the United Kingdom at the instance of or through the medium of the British Supply Board or otherwise and for the Government of the Republic of France.

3. The word "Minister" where used herein shall mean the Minister of Munitions and Supply.

4. Order in Council P.C. 2696, dated September 15, 1939, is hereby repealed as and from April 9th, 1940.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council regulating permits—Export of goods to
neutral Countries—11th April 1940**

P.C. 1471

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 11th day of April, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas, in accordance with the provisions of Orders in Council P.C. 286 of January 23rd, 1940, and P.C. 885 of February 29th, 1940, the export of goods to neutral countries in Europe other than Albania, Iceland, Ireland, Portugal and Turkey is prohibited except under permit issued by or on behalf of the Minister of National Revenue;

And whereas the Secretary of State for External Affairs reports that the Government of the United Kingdom have indicated that the extension of the export permit system to cover exports to all European neutral countries from which transshipment of goods to enemy countries might possibly take place, would enable a closer check to be kept on exports to such countries than is now practicable, thus strengthening any economic measures designed to exert pressure upon the enemy;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Secretary of State for External Affairs, concurred in by the Minister of Trade and Commerce and the Minister of National Revenue.

and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to make the following regulations supplementary to those contained in Orders in Council P.C. 286 of January 23rd, 1940, and P.C. 885 of February 29th, 1940, and they are hereby made and established accordingly:

REGULATIONS

- (1) No person shall export any goods to

Albania

Iceland

Portugal; or

Turkey

without first having obtained a permit issued by or on behalf of the Minister of National Revenue;

- (2) Applicants for permits shall furnish in respect of each proposed shipment for export to the countries enumerated in the preceding paragraph information in writing in the manner and form approved by the Minister of National Revenue.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council Exempting Munitions of War or Equipment from Customs Duty

P.C. 49/1472

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Administrator in Council, on the 11th April, 1940.

NATIONAL REVENUE

The Board had under consideration the following memorandum from the Honourable the Minister of National Revenue:—

“The undersigned, Minister of National Revenue, has the honour to submit that application has been received on behalf of the French Purchasing Commission for the free entry of,—

- (a) Material and equipment for the establishment of proving grounds in Canada for testing munitions; and,
- (b) Munitions to be tested at such proving grounds.

The British Supply Board proposes to establish similar proving grounds at Valcartier, P.Q., for testing munitions of war supplied by contractors both in Canada and in United States, for the establishment of which certain materials and equipment will be imported. In this case the imported materials and equipment, being the property of the British Government and to remain the property of such government, are duty free under Tariff Item 708. However, no similar provision exists in respect of the material and equipment to be imported by the French Purchasing Commission on behalf of the French Government, or material and equipment for any other allied nation.

It is accordingly recommended by the undersigned that, under authority of the War Measures Act, provision be made for the exemption from Customs duty and sales tax of articles and materials the property of any allied nation, including British Dominions except Canada, and to remain the property of such allied nation, imported or purchased in Canada,—

- (a) To be used in the construction or equipment of proving grounds for the testing of munitions of war; or
- (b) Munitions of war themselves for testing purposes."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd). A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council Restricting Export of Cod Livers and Cod Liver Oil

Canada Gazette, April 20, 1940

P.C. 1473

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 11th day of April, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of National Revenue reports that representations have been received from the Wartime Prices and Trade Board to the effect:

- (1) . That the annual consumption in Canada of cod liver oil in the pharmaceutical, feedstuffs and other industries averages 460,000 gallons;
- (2) That Canada is dependent upon importations of cod liver to the extent of approximately 75 per centum of the consumption thereof;
- (3) That the normal annual importations of cod liver oil from the United Kingdom amounting to approximately 83,000 gallons have been restricted, as a war measure, to 12,000 gallons;
- (4) That the existing situation in Norway makes it unlikely that Canada will be able to obtain her normal importations amounting to 83,000 gallons from that country;
- (5) That, in these circumstances, continuance of unrestricted export from Canada of cod liver oil will endanger the supply necessary to meet the demands of Canadian consumers.

That the Wartime Prices and Trade Board recommend that, until further notice, the export of cod liver oil from Canada should be subject to regulation and restriction.

Now therefore His Excellency the Administrator in Council, on the recommendation of the Minister of National Revenue and under the authority of the War Measures Act is pleased to order and it is hereby ordered that licences for the export from Canada of cod livers and cod liver oil, crude or refined, be withheld unless approved by the Wartime Prices and Trade Board.

(Sgd). A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council Authorizing Reduction in Tariff on Linen Yarns

Canada Gazette, April 20, 1940.

P.C. 1541

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 17th day of April, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of Finance reports that, on account of the present inability of Canadian manufacturers, due to war conditions, to secure supplies of linen yarns for weaving purposes from Ireland or other sources within the British Empire and of the consequent necessity of importing these yarns from other countries in order to keep their plants in operation, the temporary removal of the existing duty of 10 per cent on imports of linen yarns by manufacturers for weaving or braiding into fabrics, when originating in countries entitled to the benefits of the Intermediate Tariff, would be in the best interests of Canadian Industry;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Finance and under the powers conferred by section 284, paragraphs (k) and (m) of the Customs Act, is pleased to order and it is hereby ordered that until further ordered yarns wholly of linen, when imported for the purpose specified, be accorded the tariff treatment hereunder indicated:—

Yarns wholly of linen imported by manufacturers for use exclusively in their own factories for weaving or braiding into fabrics.

British Preferential Tariff	Inter- mediate Tariff	General Tariff
Free	Free	15 p.c.
(to be designated as Tariff Item 798).		

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Canada Gazette, April 27, 1940.

P.C. 1550

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 19th day of April, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas Article 2 of the Regulations made by Order in Council P.C. 2635 of September 11th, 1939, provides as follows:—

No retail druggist shall sell or supply straight Codeine, whether in powder, tablet or liquid form, or preparations containing any quantity of any of the narcotic drugs mentioned in Parts I and II of the Schedule to the Opium and Narcotic Drug Act, mixed with medicinal or other ingredients, except upon the written order or prescription therefor signed and dated by a physician, veterinary surgeon or dentist whose signature is known to the druggist, or, if unknown, duly verified before such order or prescription is filled. No such order or prescription shall be filled upon more than one occasion, and shall be filled by such retail druggist and be available for subsequent inspection.

And whereas the said Regulations do not contain any penalty for the enforcement of the provisions of the aforementioned Article;

And whereas the Acting Minister of Pensions and National Health is of opinion that the same penalty should be imposed for breach of the Provisions of the aforementioned Article as that provided under Section 5 of the Opium and Narcotic Drug Act, 1929, as amended, with respect to non-fulfillment by retail druggists of the similar requirements therein contained;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Acting Minister of Pensions and National Health and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to amend the Regulations made by Order in Council P.C. 2635 of September 11th, 1939, and they are hereby amended by inserting between Articles 2 and 3 thereof the following Articles:—

2A. Any retail druggist who fails to comply with any of the provisions contained in the Article next preceding shall be guilty of an offence and shall be liable to the penalties provided, upon summary conviction, under the provisions of Section 5 of the Opium and Narcotic Drug Act.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council Authorizing Procedure—Temporary Employees
War Measures Act**

P.C. 1/1569

*Certified to be a true copy of a Minute of a Meeting of the Treasury Board,
approved by His Excellency the Administrator in Council, on the 19th
April, 1940.*

FINANCE

The Board had under consideration the following memorandum from the Honourable the Minister of Finance:

The undersigned has the honour to report:

- (a) That under the provisions of the War Measures Act, staff may be engaged and rates of remuneration fixed without restriction by the Civil Service Act or any other act or regulation.
- (b) That it is desired to minimize the tendency under the pressure of war conditions towards (1) overstaffing (2) assignment of unqualified employees (3) lack of reasonable uniformity in compensation rates, having regard to the nature of services to be performed.
- (c) The measures should now be taken to reduce the hardship due to retirement of large numbers of war employees at the end of the war, by providing some means of support until they can obtain other employment.
- (d) That in some instances authority respecting appointments of war staff has been vested in certain commissions and boards engaged in activities arising out of war conditions, while in others appointments are made by Order in Council.
- (e) That responsible officers of the Departments and of the other bodies concerned have neither the facilities nor the time to test the qualifications of the large numbers of junior and intermediate staff required on short notice for emergency work.
- (f) That in connection with either method it is advisable in the public interest to have the centralized supervision which is desirable for the purposes mentioned in paragraph (b) above.
- (g) That, under the existing Staff Control Regulations, the Civil Service Commission reports to the Treasury Board on the staff required to carry on normal services and on the compensation of such personnel, and, with the reports of the Commission before it, the Board determines the action to be taken on all questions of personnel for the whole Public Service. This applies both to services under the Civil Service Act and services exempt from that Act.
- (h) That similar centralized control has been considered desirable in respect of the services initiated for war purposes, and the practice recited above has been adopted therefor.
- (i) And that it is advisable that formal sanction and authority be given to such procedure and practice.

The undersigned recommends, under the authority of the War Measures Act, the Department of Finance and Treasury Board Act, and with the concurrence of the Treasury Board, that Your Excellency in Council make the following regulations:

1. The authority vested in the Governor in Council under the War Measures Act to make appointments and otherwise deal with personnel shall,

unless the Treasury Board otherwise directs, be exercised subject to the approval of the Treasury Board and after investigation of need and rates of pay by the Civil Service Commission.

2. The procedure under which additional positions and other amendments to numbers or rates of pay are authorized shall, unless the Treasury Board otherwise directs, be as follows:

- (a) Application for such changes in organization shall be in the form of a recommendation to the Board of the responsible Minister, which shall include a detailed statement of duties and, in addition, a clear statement of need if an additional position is recommended.
- (b) Such recommendation shall be forwarded to the Civil Service Commission in duplicate for investigation of need and rates of pay and the Commission's report shall be forwarded to the Treasury Board.
- (c) If urgency is such that a meeting of the Board cannot be awaited, the Chairman, or other member in his absence, may issue preliminary authority subject to confirmation at the next meeting of the Board.
- (d) Approval of the Board shall be evidenced by issue of a Minute stating the number and classification of the positions authorized.

3. Procedure under which appointment to positions so authorized shall be made shall, unless the Treasury Board otherwise directs, be as follows:

- (a) Every appointment shall be made by the Civil Service Commission after such tests of qualifications as the Commission considers practicable and in the public interest.
- (b) Every appointment shall be temporary at the minimum rate of compensation prescribed for the duties to be performed.
- (c) Every such appointee shall be notified by the Department before assignment:
 - (i) That his employment is temporary and may be terminated without notice.
 - (ii) That 5 per cent of his compensation will be withheld and paid to him on his retirement, with interest at 4 per cent.

4. Appointments already made under such authority shall, unless the Treasury Board otherwise directs, be reviewed by the Treasury Board in respect of need and rates of pay, after investigation and report by the Civil Service Commission, and the Board shall recommend to the Governor in Council any changes in personnel or rates of pay which may be considered advisable.

5. Beginning with May 1st, 1940, a deduction equal to 5 per cent shall be made from the compensation of all persons appointed to temporary positions other than casual positions, in the public service of Canada after September 1st, 1939. All such deductions shall be deposited in the Retirement Fund and dealt with in accordance with the provisions of the Civil Service Superannuation and Retirement Act respecting deductions from compensation of civil servants.

6. The Civil Service rules with reference to discipline, attendance, leave of absence and the employment of married women shall apply to all such employees.

7. No compensation shall be paid to any such officer, clerk or employee unless the terms of these regulations have been fulfilled.

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council Authorizing Assistance—Production and Marketing 1940
crop of Nova Scotia Apples

P.C. 1586

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Administrator on the 26th April, 1940.

The Committee of the Privy Council have had before them a report, dated April 26th, 1940, from the Acting Minister of Agriculture, stating:—

That representations have been received from the Agricultural Supplies Board that assistance for production and marketing of the 1940 crop of apples in Nova Scotia is necessary and that immediate action is desirable to ensure proper pest control and other essential cultural activities being undertaken in good season;

That because of war the apple industry of Nova Scotia has no assurance of a market for the greater part of its crop, and the Dominion is, therefore, warranted in providing assistance which in the absence of normal export markets will enable the growers to maintain their industry;

That the average commercial pack for the three years 1936, 1937 and 1938 was 1,530,000 barrels; the proportions exported to the United Kingdom were 61 per cent, 76 per cent and 81 per cent, and total exports were 76 per cent, 83 per cent and 91 per cent, the "other country" exports being mainly to Germany;

That it is therefore proposed that the Dominion enter into an agreement with the Nova Scotia Apple Marketing Board Limited (vide Order in Council P.C. 4355 of December 27th, 1939), in which the Dominion will guarantee a net return f.o.b., warehouse, of 80 per centum of the 3-year (1936-37-38) average net return for that portion of the 1940 crop represented in a schedule to the said agreement prescribing varieties, grades and sizes, the aggregate quantity of which, less 100,000 barrels thereof to be marketed in Canada by the said Board, will be as nearly as can be calculated 85 per centum of the average exports for the said three years but shall not exceed 1,147,500 barrels; and

That the gross commitment under the said agreement is estimated to be approximately \$2,467,125, and any expenditures thereunder shall be out of monies appropriated for the purpose.

The Minister, therefore, recommends that, under and by virtue of the provisions of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, the Minister of Agriculture be authorized to enter into negotiations leading to an agreement with the Nova Scotia Apple Marketing Board Limited which agreement shall be submitted for Your Excellency's approval.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council Authorizing Prize Court Proceedings
ship *Europa***

P.C. 1594

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 22nd day of April, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Acting Minister of Transport, under date the 22nd of April, 1940, represents that the Government of the United Kingdom requested that the Canadian Government consider the possibility of taking prize proceedings in the case of all Danish ships in Canadian ports;

That there are at the present time five such ships on the Atlantic Coast;

That one of these ships, the "*Europa*," which contains perishable cargo destined for the United Kingdom was seized as prize on the 20th instant and Prize Court proceedings immediately instituted;

That an application is being made to the Court for an order of requisition whereby the ship and cargo may be released to the Canadian Government for use pending the determination of condemnation proceedings;

That it is of the greatest urgency that the "*Europa*" should be included in a convoy proceeding this week to the United Kingdom;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Acting Minister of Transport, acting on the advice of The Canadian Shipping Board, and pursuant to the provisions of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to grant and doth hereby grant authority to hand over the S.S. "*Europa*" and other ships seized in prize and either requisitioned for use by the Canadian Government or condemned by the Court as prize, to the Canadian Government Merchant Marine, Limited, for operation on behalf of the Government of Canada.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council Appointing Controller for Canned Lobster

P.C. 1702

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Administrator on the 1st May, 1940.

The Committee of the Privy Council have had before them a report, dated 30th April, 1940, from the Acting Minister of Fisheries, submitting as follows:—

The lobster fishermen and canners of the Maritime Provinces and Quebec, including the Magdalen Islands, as a result of import restrictions imposed by the United Kingdom and France and the difficulty of reaching other European

markets such as Sweden, and other restrictions imposed by the state of war, are confronted with the impossibility of exporting large quantities of canned lobster ordinarily marketed in Europe.

The value of the output to the Canadian lobster industry located in the three Maritime Provinces and Quebec, including the Magdalen Islands, is about \$4,000,000 of which more than one-half represents the canned product.

Normally over 90 per cent of the canned product is exported with the greatest portion going to Europe. The United Kingdom has proved by far the largest market. France and Sweden have been small but important markets while the United States normally takes only 13 or 14 per cent of the canned lobster exported.

The importance of lobster canning to the fishermen is that it is one of the main sources of cash. While it occupies only about three months of the year, its importance is much more than this would indicate.

The 1940 fishing and packing season is just starting. Production will be more limited than it has been heretofore because of the introduction of more severe sizing regulations adopted under authority of the Fisheries Act. It is anticipated that this year production, even with an assured market, will be not more than 70,000 cases as compared to 86,000 cases in 1939 and an average of 97,000 cases for the last five years. Unless, however, there is an assured market for canned lobster, both the independent and the co-operative canners will find it necessary to reduce their packs so that the total will be much below 70,000 cases and hence purchases from the fishermen of their catch of live lobster which is the primary product will be very much decreased.

At a conference between the Department of Fisheries and representatives of the fishermen and canners, it was considered advisable and necessary for the security and welfare of Canada, to assist the fishermen as the primary producers, as well as the continuity of the industry, by endeavouring to establish new markets, and to extend the domestic markets for this product to compensate in part for the export markets which have been lost as a result of the restrictions above referred to.

It is estimated that based on a three-year average 1936-38, the market restrictions aforesaid will impede or prevent the exportation of at least 69,000 cases of canned lobster. At the above named conference the following plan was devised and recommended to the Government;

1. That the Dominion Government through the Minister of Fisheries should intervene in the marketing of canned lobster by appointing a Controller for canned lobster.

2. That all actions or authorities exercised, or to be exercised by the above mentioned Controller under the provisions of this order in Council shall be subject to the approval of the Minister of Fisheries.

3. That the said Controller be empowered,—

- (a) To buy not more than 55,000 cases, each containing 48 pounds of canned lobster, of which up to 5,500 cases may be in 1-pound cans and any remainder may be in half-pound cans, providing that these are the products of the 1940 fishing season only, at a fixed price of \$18 per case which is less than 80 per cent of the average price received during the three years, 1936-38 for the first grade lobster, and at a fixed price of \$17 per case for second grade lobster, and at an arbitrary price up to but not more than \$16 per case, according to the condition, for third grade lobster at the discretion of the Controller, providing that the seller establishes to the

satisfaction of the Controller that not less than five and one-quarter cents per pound (which is not more than 80 per cent of the average price received by the fishermen during the three years 1936-38 for the live lobster) has been paid to the fishermen for all live lobster purchased or acquired by the canner from the fishermen during the 1940 season

- (b) To devise, set up and establish such systems of inspection and grading as will be necessary to determine which of the above named fixed prices shall be paid.
- (c) To sell such canned lobster as he buys wherever a market can be found, and particularly to explore and develop new markets.
- (d) To secure such warehouses and facilities as will enable him to conserve and to market the lobster purchased.
- (e) To engage sufficient personnel, with the approval of the Governor in Council, for as long a period as will, with due regard to economy and sound business practice, be necessary to the successful operation of the purchasing and selling scheme.

4. That a committee be selected by the Minister of Fisheries to act in an advisory capacity to the above named Controller.

5. That sufficient sums of money be made available to make possible the purchase of the canned lobster above referred to and to defray the expenses involved in buying and selling the canned lobster.

6. That all amounts of money resulting from the sale of the canned lobster above referred to be paid to the Receiver General of Canada.

7. That sums of money be appropriated to conduct an advertising campaign for canned lobster.

In addition to the proposed payment of \$18 per case for first grade lobster, it is estimated that \$1 per case would be required for overhead. On the basis of handling 55,000 cases, this would involve an appropriation of \$1,045,000. While in the sale of the lobster, there is the possibility of the Controller having to accept some loss, it is not anticipated that this would be more than \$100,000. If such a loss were sustained, it would, with advertising estimated at \$50,000, make the actual cost of the plan to the Government \$150,000.

The Minister recommends, on the advice of the Deputy Minister of Fisheries, that under authority of the War Measures Act, the plan cited above be approved, and that the Minister of Fisheries be given authority to proceed immediately with placing it in operation.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council Amending The Visiting Forces (British Commonwealth)
Act 1933 — Royal Australian Air Force

P.C. 1728

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of May, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas by Order in Council of the 12th February, 1940, P.C. 578, in pursuance of The Visiting Forces (British Commonwealth) Act, 1933, Chapter 21 of the Statutes of Canada, 1933, and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, it was ordered that every member of the Royal Air Force, the Royal Australian Air Force, and the Royal New Zealand Air Force who, for the purposes of the British Commonwealth Air Training Plan, has been placed at the disposal of the Governor in Council by the Service Authorities of that part of the Commonwealth to which the said Forces respectively belong, be attached temporarily to the Royal Canadian Air Force as of such date he is shown in the appropriate Order of the Royal Canadian Air Force as having been attached thereto, and that he shall remain so attached until in a like Order he is shown as being no longer attached;

And whereas the Acting Minister of National Defence reports that the High Commissioner for Canada in the Commonwealth of Australia has advised the Secretary of State for External Affairs that the Minister for Air in the Commonwealth Government agrees with the understanding reached that personnel of the Royal Australian Air Force would be subject to the law and rules of administration pertaining to the Royal Canadian Air Force, but requires that the penalties imposed upon personnel of the Royal Australian Air Force for breaches of discipline be not more severe than could be imposed under Australian law;

And whereas sub-section (3) of Section 6 of The Visiting Forces (British Commonwealth) Act, 1933, provides as follows:

"(3) Whilst a member of another force is by virtue of this section attached temporarily to a home force, he shall be subject to the law relating to the Naval Service, the Militia, or the Air Force, as the case may be, in like manner as if he were a member of the home force, and shall be treated and have the like powers of command and punishment over members of the home force to which he is attached as if he were a member of that force of relative rank:

Provided that the Governor in Council may direct that in relation to members of a force of any part of the Commonwealth specified the statutes relating to the home forces shall apply with such exceptions and subject to such adaptations and modifications as may be so specified."

And whereas in the opinion of the Acting Minister of National Defence it is desirable to give effect to the request of the Minister for Air of the Government of the Commonwealth of Australia that the penalties which may be imposed on members of the Royal Australian Air Force attached temporarily to the Royal Canadian Air Force for breaches of discipline under the laws relating to the Royal Australian law for like breaches of discipline.

Therefore His Excellency the Administrator in Council, on the recommendation of the Acting Minister of National Defence, concurred in by the Secretary of State for External Affairs and the Minister of Justice, in pursuance of the proviso to sub-section (3) of Section 6 of the Visiting Forces (British Commonwealth) Act, 1933, Chapter 21 of the Statutes of Canada, 1933, and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to direct and doth hereby direct that, in relation to members of the Royal Australian Air Force who in pursuance of the Order in Council of 12th February, 1940, P.C. 578, are attached temporarily to the Royal Canadian Air Force, the penalties which may be imposed for breaches of discipline by aforesaid members of the Royal Australian Air Force while so temporarily attached shall not be more severe than those which could be imposed under the law of Australia pertaining to the Royal Australian Air Force for the commission of like breaches of discipline.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council Authorizing "The Exchange Fund Order 1940"

P.C. 1734

PRIVY COUNCIL.

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 30th day of April, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of Finance reports that for the purpose of the more effective operation of *The Exchange Fund Act* (Ch. 60, Statutes of Canada, 1935) and the Foreign Exchange Control Order, he is of opinion that there is need at this time, as a measure for the security, defence, peace, order and welfare of Canada, to place at the disposal of the Foreign Exchange Control Board gold held in unrestricted ownership by the Bank of Canada together with foreign exchange held by residents of Canada;

That to enable the Board to acquire the gold and foreign exchange above mentioned, it will be necessary to increase the funds at the credit of the special account established pursuant to section 4 of *The Exchange Fund Act*;

That he is further of the opinion that funds for the above mentioned purpose can best be provided by the issue and sale to the Bank of Canada of securities of Canada; and

That the Bank of Canada has indicated its willingness to purchase such securities and to sell gold and foreign exchange held by it.

And whereas by *The Loan Act, 1939*, the Governor in Council was authorized to raise by way of loan under the provisions of *The Consolidated Revenue and Audit Act, 1931*, by the issue and sale or pledge of securities of Canada, such sum or sums of money as may be required, not to exceed in the whole the sum of \$750,000,000 for paying or redeeming the whole or any portion of loans or obligations of Canada, and also for purchasing and withdrawing from circulation from time to time unmatured securities of Canada and for public works and

general purposes, and that of the amount so authorized to be raised there remains authority to raise by way of loan the sum of \$345,756,445.76.

Now therefore His Excellency the Administrator in Council, for the above mentioned purposes, is hereby pleased to authorize the Minister of Finance to raise by way of loan a sum not exceeding \$325,000,000 and to direct that securities of Canada to an amount not exceeding \$325,000,000 be issued and sold to the Bank of Canada for that purpose.

His Excellency the Administrator in Council, on the recommendation of the Minister of Finance and under and in virtue of the powers conferred by *The Loan Act, 1939*, and *The War Measures Act* (Ch. 206, Revised Statutes of Canada 1927) and otherwise, is pleased to make and doth hereby make the Order attached hereto under the title of "The Exchange Fund Order, 1940."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

THE EXCHANGE FUND ORDER, 1940

1. (a) There shall be issued and sold, under the authority of *The Loan Act 1939*, at par and accrued interest, \$250,000,000 principal amount of One Year 1 per cent Notes, for the purpose of providing funds for the purchase by the Foreign Exchange Control Board of gold held in unrestricted ownership by the Bank of Canada and of foreign exchange required to be sold by residents of Canada and for the purposes generally of *The Exchange Fund Act* (Chapter 60 of the Statutes of Canada, 1935) and of the Foreign Exchange Control Order, P.C. 2716 of September 15th, 1939, as amended; said Notes to be dated May 1, 1940, and to mature May 1, 1941, and to bear interest at the rate of one per centum per annum payable semi-annually, November 1 and May 1;
- (b) The said Notes shall be in the form attached hereto and the Minister of Finance is authorized to sell the said Notes at par and accrued interest to the Bank of Canada;
- (c) There shall be issued and sold, under the authority of *The Loan Act, 1939*, Treasury Bills to the amount of \$75,000,000 for the purposes above mentioned, at a discount equivalent to a yield of 0.739 per centum per annum, the said Treasury Bills to be dated May 1, 1940, and to mature as follows:—

As to an amount of \$15,000,000.....	on May 15, 1940
As to a further amount of \$15,000,000. . . .	on May 31, 1940
As to further amount of \$15,000,000. . . .	on June 14, 1940
As to a further amount of \$10,000,000. . . .	on July 3, 1940
As to a further amount of \$10,000,000. . . .	on July 16, 1940
As to the remaining amount of \$10,000,000. . . .	on August 1, 1940
- (d) The said Treasury Bills shall be in the form attached hereto and the Minister of Finance is authorized to sell the said Treasury Bills to the Bank of Canada at a discount equivalent to a yield of 0.739 per centum per annum;
- (e) The said Notes and Treasury Bills shall be signed by the Deputy Minister of Finance and countersigned by D. G. Marble or L. P. J. Roy or M. G. Anderson, officers of the Bank of Canada;

(f) Pursuant to the provisions of Section 7 of *The Consolidated Revenue and Audit Act, 1931*, the expenses in connection with the issue and sale of said Notes and Treasury Bills shall be paid out of the Consolidated Revenue Fund.

2. The proceeds of the sale of the aforementioned securities to the Bank of Canada shall be credited by the Bank of Canada to the special account in the name of the Minister of Finance established pursuant to section 4 of *The Exchange Fund Act* and shall form part of the said special account for all the purposes of *The Exchange Fund Act* and of the Foreign Exchange Control Order.

3. Subject to the provisions of *The Exchange Fund Act* and of Foreign Exchange Control Order, the Foreign Exchange Control Board shall not later than May 31st, 1940, purchase from the Bank of Canada and the Bank of Canada shall sell to the Foreign Exchange Control Board all gold held in unrestricted ownership by the Bank of Canada at the current market price (as defined by Section 2 of *The Exchange Fund Act*).

4. Interest on the sum of \$325,000,000 shall be paid at the end of each quarter year by the Foreign Exchange Control Board from moneys in the said special account to Receiver General of Canada and placed to the credit of the Consolidated Revenue Fund; such interest shall be calculated at such rate per annum as is the equivalent of the average tender rate for all Treasury Bills issued during the quarter year; the first payment of interest shall be made on June 30th, 1940, and thereafter payments shall be made at the end of each quarter.

5. Notwithstanding anything contained in section 26 of the *Bank of Canada Act*, the Bank of Canada shall not while this order is in force be obliged or required to maintain any minimum or fixed reserve ratio of gold or foreign exchange.

6. The form of Schedule C to the Bank of Canada Act is amended by deleting the statement of the ratio of net reserve to notes and deposit liabilities.

7. This order may be cited as The Exchange Fund Order, 1940, and shall come into force on May 1st, 1940.

Order in Council Authorizing "The Foreign Exchange Acquisition Order 1940"

Canada Gazette, April 30, 1940,

P.C. 1735

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 30th day of April, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of Finance reports that for the more effective operation of *The Exchange Fund Act* (Ch. 60. Statutes of Canada, 1935) and the Foreign Exchange Control Order there is need at this time, as a measure for the security, defence, peace, order and welfare of Canada, to place at the disposal of the Foreign Exchange Control Board all foreign exchange held by residents of Canada;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Finance and under and in virtue of the powers conferred by the War Measures Act (Ch. 206, R.S.C. 1927) and otherwise, is pleased to make and doth hereby make the annexed order under the title of "The Foreign Exchange Acquisition Order, 1940."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

THE FOREIGN EXCHANGE ACQUISITION ORDER, 1940

1. (a) Nothing in this Order shall affect any foreign currency or securities of any non-resident, and for greater certainty it is hereby declared that a non-resident visiting Canada for business or pleasure for a period or periods not exceeding six months in the year continues to be a non-resident for the purposes of this Order unless such person enters or has entered Canada with the intention of becoming a permanent resident.
- (b) A private individual resident of Canada who is not a British subject and who is a citizen of a country which, on or before the date when any proceedings are instituted charging him with an offence against this Order, has entered into an agreement with Canada regarding the respective conditions under which the respective citizens of Canada and the said country are to be exempt from exchange control regulations, shall be entitled to exemption from the provisions of this Order to the extent and on the conditions provided for in any such agreement; provided, however, that any such exemption shall lapse if and when such resident becomes a British subject or ceases to be a citizen of a country having such an agreement with Canada, and in any such case this Order shall, with respect to such resident, be read and construed as if the date on which exemption lapsed were substituted throughout this Order for May 1, 1940. Every such resident shall furnish satisfactory proof of nationality to the Foreign Exchange Control Board not later than a date to be set in the agreement or any subsequent date fixed by the Board.
2. For the purposes of this Order, "foreign currency" means any currency (excluding coin) other than Canadian currency, including bank notes and other notes intended to circulate as money in any country outside Canada and also postal notes, money orders, cheques, travellers' cheques, prepaid letters of credit, bank drafts and other similar instruments payable in any currency other than Canadian currency, and includes any foreign currency on deposit; and "foreign currency on deposit" or "deposit" means any amount in foreign currency of which a resident has a right to obtain payment by reason of a deposit, credit or balance of any kind at or with a bank, savings bank, trust company, loan company, stockbroker, investment dealer or other similar depository or any other person or institution designated by the Board as a depository for the purposes of this Order.
3. (a) Every resident of Canada who, on May 1, 1940, has any foreign currency in his possession, ownership or control in Canada or outside Canada shall within 30 days from and after said date sell the same to an authorized dealer at a price in Canadian currency determined and payable as hereinafter provided, and shall do all things necessary to transfer, assign and deliver such foreign currency to such authorized dealer; provided that the Board may, if it sees fit, in any case in which it is satisfied that there has been no lack of good faith on the part of the resident concerned, extend the aforesaid period of 30 days.

- (b) Where any sale of foreign currency is made by a resident to an authorized dealer pursuant to this Section, the price to be paid the authorized dealer shall be determined as follows:—
- (i) In the case of pounds sterling or United States dollars, the price in Canadian currency shall be determined by the Board's buying rate for pounds sterling or United States dollars, as the case may be, on May 1, 1940, subject to normal bank collection charges (if any);
 - (ii) In the case of any currency which is the local currency of any part of the British Empire (excluding Hong Kong) or of Egypt, the Anglo-Egyptian Sudan or Iraq, the price in Canadian currency shall be determined by the amount of pounds sterling actually obtained by the authorized dealer for such local currency, converted at the Board's buying rate for pounds sterling on May 1, 1940, subject to normal bank collection charges (if any);
 - (iii) In case of any other currency, the price in Canadian currency shall be determined by the amount of United States dollars actually obtained by the authorized dealer for such other currency, converted at the Board's buying rate for United States dollars on May 1, 1940, subject to normal bank collection charges (if any).
- (c) The price to be paid by the authorized dealer shall not be payable until the authorized dealer or the Board is satisfied that the relative foreign currency has been fully and effectively sold, transferred, assigned and delivered to the authorized dealer so that such foreign currency (or its proceeds in pounds sterling or United States dollars, as the case may be) is capable of being made immediately available to the Board.
- (d) When a resident offers for sale to an authorized dealer pursuant to this Section any foreign currency which is not freely convertible into pounds sterling or United States dollars, the authorized dealer may refuse to purchase such foreign currency or may cancel any purchase already made; in any such case, unless otherwise directed by the Board, the resident may continue to hold such foreign currency or may refrain from exercising his right to obtain payment of the same, but shall not make any use or disposition of such foreign currency without the permission of the Board.
- (e) Form C as prescribed by the Board for declarations of foreign exchange offered for sale, shall be used for every sale and offer for sale of foreign currency by a resident pursuant to this Section.
- (f) Subject to the provisions of Section 1, any person who becomes a resident of Canada after May 1, 1940, shall be subject to the provisions of the five next preceding paragraphs of this Section, provided, however, that the said paragraphs shall be read and construed as if the date on which such person became a resident were substituted throughout the said paragraphs for May 1, 1940.
- (g) All foreign currency purchased by an authorized dealer pursuant to this Section (or its proceeds in pounds sterling or United States dollars, as the case may be) shall be sold to the Board by the authorized dealer at the Board's official buying rate for such foreign currency (or its proceeds in pounds sterling or United States dollars, as the case may be) on May 1, 1940. Delivery and settlement shall be made in the manner prescribed by the Board pursuant to the Foreign Exchange Control Order.
- (h) Authorized dealers shall as residents of Canada (which expression does not include their branches outside Canada) be subject to the provisions

of this Order, provided, however, that any required sale of foreign currency held by an authorized dealer shall be made direct to the Board at such time and in such manner as the Board may prescribe.

4. (a) A resident of Canada who, on April 30, 1940, had a deposit in pounds sterling or United States dollars which arose out of the sale or maturity of foreign securities subsequent to September 15, 1939, and was on April 30, 1940, being held temporarily pending reinvestment pursuant to Regulation 8 of the Board, may, not later than May 31, 1940, invest any such pounds sterling in readily marketable foreign securities in the United Kingdom, or invest any such United States dollars in readily marketable foreign securities in the United States, and any amount so invested shall not be subject to the provisions of Section 3 of this Order.
- (b) Any pounds sterling or United States dollars received by a resident of Canada not later than May 7, 1940, consequent upon a sale of foreign securities effected or ordered to be effected prior to May 1, 1940, or received subsequent to April 30, 1940, but not later than May 7, 1940, consequent upon the maturing of foreign securities, shall also be eligible for investment in the manner provided in paragraph (a) of this Section.
5. (a) Any resident who has any foreign securities in his possession, ownership or control, and which, or the certificates or instruments representing which, are physically located in the United Kingdom or the United States or are exported from Canada to the United Kingdom or the United States under a licence issued by or on behalf of the Board, may in such country switch into other similar foreign securities by selling any or all of such securities and reinvesting the proceeds of any such sale in other similar foreign securities, provided that:—
 - (i) Every such sale and reinvestment shall be effected through a Canadian stockbroker or investment dealer, including any Canadian branch of a Canadian chartered bank or savings bank and any Canadian branch of a stockbroker or investment dealer in the United States; and
 - (ii) Only readily marketable foreign securities shall be so purchased and every such sale and reinvestment shall be made in the same country; and
 - (iii) The purchase shall be made simultaneously with the sale and the amount reinvested shall not exceed the proceeds of such sale; and
 - (iv) If the proceeds of sale exceed the amount reinvested, the excess, unless applied on a debit balance of the resident which existed in connection with such securities on April 30, 1940, shall be forthwith sold to an authorized dealer at such rate of exchange as may be applicable pursuant to the Foreign Exchange Control Order; and
 - (v) It shall be within the discretion of the Board to determine whether any securities so purchased are similar to those sold.
- (b) Save as provided in paragraph (b) of Section 4 and in paragraph (a) of this Section, all foreign exchange resulting from the maturing, redemption or sale on or after May 1, 1940, of foreign securities in the possession, ownership or control of a resident of Canada shall, unless the Board otherwise provides, be forthwith sold to an authorized dealer pursuant to the Foreign Exchange Control Order.
6. (a) No resident shall be required by this Order to sell any foreign currency which—
 - (i) having been acquired from tourists, was lawfully held by such resident on May 1, 1940, under the provisions of Regulation 1 (m)

- as amended by Regulation 52 of the Board, within the amount and for not longer than the time specified in such Regulations (which Regulations are not in any way affected by this Order); or
- (ii) had been authorized before May 1, 1940, for disbursement by such resident not later than July 31, 1940, pursuant to Regulation 23 of the Board; or
 - (iii) had been sold to an authorized dealer (by a forward exchange contract or otherwise) before May 1, 1940; or
 - (iv) was acquired by such resident (not being the holder of a BD permit granted by the Board under Regulations 19 or 21) as a result of a purchase of foreign exchange from an authorized dealer and is required for disbursement not later than July 31, 1940, for the purpose for which such foreign exchange was purchased.
- (b) No resident shall be required by this Order to sell any foreign currency if he satisfies the Board not later than May 31, 1940, or any subsequent date fixed by the Board, that:
- (i) Such foreign currency was held by such resident on May 1, 1940, solely as trustee or agent for a non-resident, and that the non-resident's interest therein had not been acquired from a resident subsequent to September 15, 1939, except in a manner approved by the Board; or
 - (ii) Such foreign currency is held in a sinking fund by a Canadian government, municipal or other public authority or by sinking fund trustees for a Canadian government, municipal or other public authority or for a Canadian corporation and is required for disbursement or investment pursuant to sinking fund provisions in connection with foreign securities issued by such Canadian government, municipal or other public authority or corporation.
- (c) A company incorporated in Canada for the purpose of carrying on the business of life insurance may continue to disburse foreign currency as required in connection with carrying on the business of life insurance outside Canada and shall not be required by this Order to sell any amount of foreign currency required for the purpose of carrying on the business of life insurance outside Canada.
- (d) A company incorporated in Canada for the purpose of carrying on the business of insurance, other than life insurance, may continue to disburse foreign currency as required in connection with carrying on its business of insurance outside Canada and shall not be required by this Order to sell any amount of foreign currency which the company establishes to the satisfaction of the Board not later than May 31, 1940, or any subsequent date fixed by the Board, to be required for the purpose of carrying on its business of insurance outside Canada.
- (e) A resident of Canada who is the holder of a BD permit granted by the Board under the provisions of Regulation 19 and who operates a foreign currency bank account or accounts pursuant to such permit, may continue to make normal deposits to and disbursements from such account or accounts (provided such deposits and disbursements are of a kind approved by the Board within the terms of such permit) and shall not be required by this Order to sell any foreign currency on deposit in such account or accounts on May 1, 1940, which such resident establishes to the satisfaction of the Board not later than May 31, 1940, or any subsequent date fixed by the Board to have been required to meet commitments of an ordinary commercial nature which were contractual obligations of such resident on May 1, 1940, and which mature and are payable not later than July 31, 1940.

- (f) The Board may, where it thinks proper upon principles analogous to those contained in the five next preceding paragraphs of this Section, permit a resident to hold or use foreign currency upon such terms and conditions as the Board may prescribe.

7. Every person who,

- (i) being a resident of Canada, makes any disposition of or in any way deals with any foreign currency contrary to or otherwise than as permitted or required by this Order, or
- (ii) being a resident of Canada, fails to disclose to the Board upon request any information in his possession respecting any foreign currency held by a resident of Canada, or
- (iii) being a resident of Canada, permits any disposition of or dealing with foreign currency contrary to the provisions of this Order, or
- (iv) being a resident of Canada, without reasonable excuse fails to comply with any of the provisions of this Order, or
- (v) aids or abets or conspires with any person to aid or abet the commission of an offence under the provisions of this Section,

shall be guilty of an offence and liable on summary conviction under Part XV of the Criminal Code to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment; but such person may, at the election of the Attorney General of Canada or the Attorney General of the Province, be prosecuted upon indictment and if convicted shall be liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years or to both fine and imprisonment; and any director or officer of any company or corporation who assents to or acquiesces in any offence by such company or corporation against any provision of this Order shall be guilty of such offence personally and cumulatively with the said company or corporation.

8. Unless it is otherwise provided or the context otherwise requires, expressions contained in this Order shall have the same meaning as in the Foreign Exchange Control Order and this Order shall be read and construed as one with the Foreign Exchange Control Order.

9. This Order may be cited as The Foreign Exchange Acquisition Order, 1940, and shall come into force on May 1, 1940.

NOTE:—*Regulations of the Foreign Exchange Control Board published as an Extra of Canada Gazette, May 2, 1940.*

Order in Council Recommending various Superannuations, Pensions and annuities be Discontinued when Pensioner or annuitant on Active Service

P.C. 5/1800

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Administrator in Council, on the 3rd May, 1940.

FINANCE

The Board recommend, under authority of the War Measures Act, that pensions or annuities granted under the Royal Canadian Mounted Police Act, Civil Service Superannuation Acts, Judges Act or Appropriation Acts be discontinued

in respect of any pensioner or annuitant for the period such pensioner or annuitant is on active service, during the present war, with Naval, Militia or Air Forces of Canada.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending "The Defence Air Regulations 1939"

Canada Gazette (Extra) May 13, 1940

P.C. 1890

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 9th of May, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of Transport reports that experience in the operation of "The Defence Air Regulations, 1939," made by Order in Council P.C. 3987 of December 5, 1939, has shown that the said regulations require amendment in certain respects;

Now, Therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Transport and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, and notwithstanding the provisions of any other Act, Regulation or Order, is pleased to order as follows:—

- (1) "The Defence Air Regulations, 1939" made by Order in Council P.C. 3987 of December 5, 1939, are hereby cancelled;
- (2) The attached regulations to control the flying of civil aircraft in Canada during the war, to be cited as "The Defence Air Regulations, 1940," are hereby made and established in the place and stead of the regulations hereby cancelled.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

NOTE: Regulations to control flying of civil aircraft in Canada during the war printed in the *Canada Gazette*.

Order in Council Recommending Regulations Permanent and Temporary Employees Duration of the War

P.C. 32/1905

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Administrator in Council, on the 10th May, 1940.

FINANCE

The Board had under consideration a memorandum from the Honourable the Minister of National Revenue and Vice Chairman of the Treasury Board reporting:—

"1. That Order in Council of April 22nd, 1936, provided that the number of permanent employees in any unit of the Public Service should not exceed a specified proportion of the total normal staff of such unit.

2. That the main objects of this restriction were, through maintenance of a margin of temporary employees, to facilitate;

- (a) Staff reductions when work is curtailed, and
- (b) A system of transfers between units, as staff requirements fluctuate in accordance with volume of work.

3. That the regulation as above was cancelled by Order in Council of August 11, 1939, because;

- (a) Fluctuations in work had become infrequent and unimportant, compared with the depression period.
- (b) The proportion of permanents approved did not in all instances reflect the probable degree of fluctuation in the staff requirements of the unit.

4. That the present war has created abnormal personnel conditions throughout the Public Service, including the following;

- (a) The work of certain units has been severely curtailed.
- (b) The functions of other units have been increased many times over.
- (c) New units have been created to care for functions due directly or indirectly to the war.

5. That, obviously, employees taken on for purely war functions should be maintained on a temporary basis, subject to immediate termination of their services when the war is over.

6. That fluctuations in staff requirements due to the foregoing are so large and so frequently urgent that a considerable degree of flexibility is essential to economical and efficient administration during the war, and orderly return to peacetime conditions after the war.

7. That, while many persons employed on normal staffs have undertaken more responsible duties on account of the war, there has not, presumably because they are willing to regard additional work as their contribution to the conduct of the war, been any general request for additional compensation.

8. That temporary employees working in units engaged exclusively on war work are in a different position, in that they will not have the advantages of continuing employment with superannuation benefits, but will be retired at the conclusion of the war when other employment will be hard to get. Such employees are, moreover, granted minimum rates of pay only, though their duties will in general be more arduous than those of normal staffs. For these reasons, they have greater claim to increased compensation on assumption of more responsible duties than persons employed on normal staffs.

9. That it is not unreasonable to continue promotions to positions which become vacant through normal separations, though it may be necessary to review this feature at a later date, particularly if such positions are being used to grant increases which in reality are revaluation of duties.

10. And that recommendations for compensation increases and permanencies now in the office of the Treasury Board should, subject to the conditions hereafter referred to, be approved for reasons as follows:

- (a) Many are the result of surveys initiated up to two years before the war.
- (b) It would be inequitable to refuse them now for the sole reason that they were delayed by various agencies of the Government.

The undersigned, under the terms of the War Measures Act, and with the concurrence of the Treasury Board recommends that, unless the Treasury Board otherwise directs;

11. No increase in compensation be authorized for any officer, clerk or employee employed on the normal staff, except such statutory increases as may be authorized and promotion increases as referred to above, and increases resulting from the recommendations mentioned in paragraph No. 10.

12. The Civil Service Commission, after obtaining the consent of the Treasury Board, may investigate and report to the Board on recommendations for increases to temporary employees working in units engaged exclusively on war work. If such proposed increases are justified by increased responsibilities and are recommended by the Head of the Department concerned and by the Civil Service Commission, they may be authorized by the Treasury Board.

13. On account of the circumstances referred to in paragraphs 4, 5 and 6 of this report, the proportion of permanents in each unit of the Public Service shall not exceed the percentage specified in the attached schedule. The basis of such percentage shall be the total staff as of September 30, 1939, or as of the same date in succeeding years, whichever is the smaller.

14. These directions shall be effective for the duration of the war."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council Amending Regulations Respecting Trading with the Enemy

Canada Gazette, May 5, 1940

P.C. 1935

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 11th day of May, 1940

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

His Excellency the Administrator in Council, on the recommendation of the Secretary of State of Canada, with the concurrence of the Minister of Finance, is pleased to amend the Regulations respecting Trading with the Enemy (1939), made by Order in Council, under date of 5th September 1939 (C.P. 2512), and they are hereby amended—

(1) by deleting paragraph (d) of Regulation 1, and substituting therefor the following:

"proscribed territory" means any area in respect to which the Governor in Council, by reason of real or apprehended hostilities or otherwise, may

order the protective custody of property, rights and interests in Canada of persons residing in that area and the regulating of trading with such persons, and shall extend to and include any area which is under the sovereignty of or in the occupation of a state or sovereign for the time being at war with His Majesty.

(2) by deleting the words "enemy territory" wherever they appear in the said Regulations and substituting therefor the words—"proscribed territory".

His Excellency in Council is further pleased to order that these amendments shall be deemed to have been effective from and including the tenth day of May, 1940.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council Authorizing Resources in Canada of the Netherlands,
Belgium and Luxembourg to be Placed under Protective Custody**

Canada Gazette, May 25, 1940

P.C. 1936

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 11th day of May, 1940

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, reports that, in consequence of the invasion of the Netherlands, Belgium and Luxembourg by enemy forces, it is necessary and expedient, with the view of preventing any of the resources in Canada of residents of the Netherlands, Belgium and Luxembourg from falling under the control of the invading enemy or agents of the invading enemy, to place, temporarily, under protective custody all property, rights and interests in Canada of persons residing in the Netherlands, Belgium and Luxembourg and to regulate trading with such persons; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's Office established under the Regulations respecting Trading with the Enemy (1939) and to confer on the Secretary of State the powers of regulation and control in respect to such property, rights and interests in Canada of persons residing in the Netherlands, Belgium and Luxembourg which are exercisable by him as Secretary of State and as Custodian under the Trading with the Enemy Regulations in respect to proscribed territory;

Now, therefore His Excellency the Administrator in Council, on the recommendation of the Secretary of State of Canada, with the concurrence of the Minister of Finance, and under and by virtue of the War Measures Act (R.S.C. 1927, Chapter 206) is pleased to order as follows:—

From and including the tenth day of May, 1940, the provisions of the Regulations respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to the territories of the Netherlands, Belgium and Luxembourg as proscribed territory;

Provided that any transaction or act permitted by the Secretary of State of Canada, with the concurrence of the Minister of Finance, shall not be deemed to come within the provisions of this Order.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Canada Gazette (Extra), May 18, 1940

PROCLAMATION

L. P. DUFF,
Administrator.

(L.S.)

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India;

To All To Whom these Presents shall come or whom the same may in anywise concern,

GREETING:

A PROCLAMATION

W. STUART EDWARDS,
Deputy Minister of Justice, Canada.

Whereas we, by and with the advice of Our Privy Council for Canada, proclaimed, by Our Proclamation bearing date the tenth day of September in the year of Our Lord one thousand nine hundred and thirty-nine, that a state of war exists between Our said Dominion and the German Reich;

And Whereas Our Dominion of Canada has voluntarily taken up arms, at the side of the United Kingdom and France, to defend the rights and liberties of free peoples, and to withstand the onward sweep of violence and aggression;

And Whereas, We have given expression to Our desire that Our People of the United Kingdom should set apart Sunday, the twenty-sixth day of May next as a day of National Prayer on behalf of the Nation and Empire, their Allies and the Cause in which they are united and should invoke the blessing of Almighty God upon our just cause and should seek Divine Guidance by humble Prayer and Intercession;

We Therefore, believing that Our People of Canada should be enabled to join, in Humble Prayer and Intercession, with Our People of the United Kingdom on the day already appointed for that purpose in the United Kingdom, and to make a public and solemn avowal of duty to Almighty God and of need of guidance, have thought fit, by and with the advice of Our Privy Council for Canada, to appoint, and We do hereby appoint Sunday, the twenty-sixth day

of May next to be throughout Our Dominion of Canada a day of Humble Prayer and Intercession to Almighty God on behalf of the cause undertaken by the United Kingdom, by Canada, and by other Dominions of the British Commonwealth of Nations, and by Allied and Associated Powers and all those who are offering their lives for our cause and for a speedy and enduring peace founded upon justice and understanding; and We do hereby invite all Our Loving Subjects throughout Canada to set apart this appointed day as a day of Humble Prayer and Intercession.

Of All Which Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. Witness: Our Right Trusty and Well-beloved Counsellor The Right Honourable Sir LYMAN POORE DUFF, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Chief Justice of Canada and Administrator of the Government of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this eighteenth day of May, in the year of Our Lord One thousand nine hundred and forty and in the Fourth year of Our Reign.

By Command,

E. H. COLEMAN.

**Order in Council Amending Regulations Respecting Powers, and Duties
of Sugar Administrator**

Canada Gazette June 8, 1940

P.C. 1983

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 15th day of May, 1940

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas by Order in Council P.C. 3223, dated 21st October, 1939, regulations respecting the powers and duties of the Sugar Administrator were made and established;

And whereas the Wartime Prices and Trade Board have reported to the Minister of Labour that the price to be paid by the Sugar Administrator to the United Kingdom Sugar Controller for sugar produced from future crops may be subject to fluctuations and that it is deemed in the public interest, in order to safeguard the stability of market conditions, that the power of the Wartime Prices and Trade Board, acting through the agency of the Sugar Administrator, be amplified as hereinafter set forth.

Now therefore His Excellency the Administrator in Council, on the recommendation of the Minister of Labour and pursuant to the powers conferred

by the War Measures Act and otherwise, is pleased to amend the aforesaid regulations and they are hereby amended by revoking Section 2 and substituting therefor new Section 2 as follows:

2. (a) The Wartime Prices and Trade Board, acting through the agency of the Sugar Administrator, shall have power from time to time to sell to Canadian refiners and to others requiring sugar in Canada raw cane sugar at such prices as the Sugar Administrator, under direction of the Board may prescribe, and to allocate the sugar aforesaid amongst refiners and other Canadian users of sugar in such manner as to secure throughout Canada a steady and adequate supply of sugar to consumers.
- (b) All sugar refiners in Canada shall sell to the Sugar Administrator as and when required by him, all raw sugar and all refined sugar, syrups, liquid sugar and molasses manufactured from beet or cane now or hereafter in their possession at such prices as the Sugar Administrator, under the direction of the Wartime Prices and Trade Board, from time to time may prescribe and, to effectuate such power, the Sugar Administrator, under the direction of the Board, shall have power to take possession of all or any such sugars accordingly.
- (c) The Wartime Prices and Trade Board, acting through the agency of the Sugar Administrator, shall have power to resell such raw sugar, and refined sugar, syrups, liquid sugar and molasses manufactured from beet or cane to Canadian refiners and others requiring sugar in Canada at such prices as the Sugar Administrator, under the direction of the Board, may from time to time prescribe, sufficient to assure the Board against loss in its sugar operations in maintaining and stabilizing a reasonable wartime price in regard to sugar.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council Defining Casual Positions, P.C. 1/1569

P.C. 73/1985

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Administrator in Council, on the 16th May, 1940.

TREASURY BOARD

The Board recommend that, for the purposes of applying the provisions of Section 5 of P.C. 1/1569 of April 19th, 1940, casual positions will be deemed to be those occupied by:

1. Employees taken on for a definite period, not exceeding three months.
2. Part-time employees.
3. Sessional employees.
4. Seasonal employees.
5. Employees taken on as replacements for others absent on leave.
6. Employees taken on outside Canada.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council Authorizing Award of Contracts without Inviting Tenders
in Cases of Pressing Emergency

P.C. 2129

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 23rd day of May, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas subsection 1 of section 36 of the Public Works Act, Chapter 166 of the Revised Statutes of Canada, 1927, reads as follows:

"36. Whenever any works are to be executed under the direction of any department of the Government, the Minister having charge of such department shall invite tenders by public advertisement for the execution of such works except in cases

- (a) of pressing emergency in which delay would be injurious to the public interest; or
- (b) in which from the nature of the work it can be more expeditiously and economically executed by the officers and servants of the department; or
- (c) where the estimated cost of the work is less than five thousand dollars and it appears to the Minister, in view of the nature of the work, that it is not advisable to invite tenders."

And whereas by Order in Council, P.C. 3710 dated the 17th November, 1939, the Minister of Transport was ordered to undertake forthwith, *inter alia*, the development and construction of aerodromes, excepting the construction of buildings and hangars, required for the purpose of the scheme for the training of Air Force personnel of the United Kingdom and Dominions in Canada, all expenditure in connection therewith to be made a charge against the moneys appropriated by Parliament for the Department of National Defence.

And whereas the Minister of Transport represents that, owing to the exigencies of War and the delays caused by calling for tenders in accordance with the provisions of the Public Works Act, quoted above, it is considered that all works to be executed by the Department of Transport in connection with the development and construction of the said aerodromes are cases of pressing emergency in which delay would be injurious to the public interest, and that it is expedient that authority be granted for the execution of such works by negotiation with responsible Contractors having the necessary equipment available without inviting tenders in accordance with the provisions of the said Act.

Therefore His Excellency the Administrator in Council, on the recommendation of the Minister of Transport and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to declare and doth hereby declare all works undertaken by the Minister of Transport in connection with the development and construction of aerodromes, pursuant to the provisions of Order in Council P.C. 3710 of the 17th November, 1939, to be works of pressing emergency in which delay would be injurious to the public interest.

His Excellency in Council is further pleased to authorize and doth hereby authorize the Minister of Transport to proceed with the execution of such works by negotiation with responsible Contractors having the necessary equipment

available, without inviting tenders in accordance with the provisions of the Public Works Act, provided, however, that the contracts for such works shall be awarded under the authority of the Governor in Council.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council Establishing Regulations Respecting Dairy Products

Canada Gazette June 1, 1940.

P.C. 2138

AT THE GOVERNMENT HOUSE AT OTTAWA

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of Agriculture reports that the Governments of Canada and the United Kingdom are negotiating with respect to the purchase by the United Kingdom, of various dairy products and have agreed on arrangements for the delivery, at Canadian sea-board ports, to the United Kingdom Ministry of Food, of cheese manufactured during the production season ending November 30th, 1940, at prices delivered on board ship or railroad cars, Montreal, as follows:

For First Grade (92 score and over) 14c. per pound;

For Second Grade (87 to 91 score) 13½c. per pound;

For Third Grade (under 87 score) 13c. per pound.

That the Government of the United Kingdom have intimated that they are prepared to accept delivery at these prices of Canadian cheese up to a total of 35,000 tons (2,240 pounds per ton); and

That it will therefore be necessary, in order to insure that supplies of dairy products will be exported as required and that satisfactory prices will be paid to producers of dairy products, to control the marketing of dairy products and to arrange for storing them as may be necessary;

Now therefore His Excellency the Administrator in Council, on the recommendation of the Minister of Agriculture and under and by virtue of the powers conferred by the War Measures Act or otherwise, is pleased to make the annexed Regulations respecting the marketing and export of dairy products and they are hereby made and established accordingly.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

REGULATIONS RESPECTING THE MARKETING AND EXPORT OF DAIRY PRODUCTS

PRODUCTS

1. These Regulations and any amendment and addition thereto may be cited as The Dairy Products Regulations.

2. For the purpose of these Regulations, unless the context otherwise requires,

- (a) "board" means the Dairy Products Board;
- (b) "concentrated milk" or "concentrated milks" means any condensed milk (sweetened), evaporated milk (unsweetened), dried whole milk, dried skim milk and dried cream;
- (c) "dairy product", "dairy products" or "dairy produce" means any milk, cream, condensed milk, evaporated milk, milk powder, skim milk powder, cream powder, casein, butter, cheese and any other article manufactured from milk;
- (d) "exporter" means any person, firm or corporation engaged in the export of dairy products;
- (e) "licence" means a licence issued by the Board under these Regulations;
- (f) "manufacturer" means any person, firm or corporation engaged in processing or manufacturing of any dairy product for exports;
- (g) "Minister" means the Minister of Agriculture;
- (h) "order" means an order of the Board made pursuant to these Regulations;
- (i) "regulation" means any of these regulations and any amendment or addition thereto;
- (j) "requirement" means any notification by the Board to any person, pursuant to these regulations, requiring performance by such person of any act.

DAIRY PRODUCTS BOARD

3. (1) There shall be a Board to be called the Dairy Products Board consisting of three members, of whom one shall be Chairman, appointed by the Governor in Council, to hold office during pleasure. The Chairman, and other members of the Board shall be paid respectively such salaries or other remuneration as may be fixed by the Governor in Council.

(2) If any member is unable at any time by reasons of absence, incapacity or other inability to perform the duties of his office, the Minister may appoint temporarily a substitute member upon such terms and conditions as he may determine.

(3) The Board may establish at any place or places in Canada such office or offices as are required for the discharge of duties of the Board, and may provide therefor the necessary accommodation, supplies and equipment.

(4) The Board may, subject to the approval of the Governor in Council, appoint such officers, clerks and other persons as may be deemed necessary to assist the Board in the performance of its duties, and such persons shall receive such remuneration as the Board shall, with the approval of the Governor in Council, determine.

(5) Two members of the Board shall form a quorum, and the concurrence of at least two members shall be necessary for the execution of any act by the Board and the act of two of its members shall be deemed to be an act of the Board.

(6) Members of the Board as well as officers, clerks and other employees of the Board shall be entitled to receive and to be paid their actual reasonable disbursements for travelling expenses necessarily incurred by them in connection with the discharge of their duties.

(7) The Headquarters of the Board shall be at Ottawa and meetings of the Board shall be held at Ottawa or such other place as the Chairman of the Board may decide.

(8) Every member of the Board, upon appointment to office, shall take and subscribe before the Clerk of the Privy Council the following oath:

I,, solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as Chairman (or as member) of the Dairy Products Board.

So Help me God.

Powers of the Board

4. (1) The Board shall have power

- (a) to regulate the export of dairy products to the United Kingdom pursuant to agreements made between the Governments of Canada and the United Kingdom and to that end to arrange with or require any manufacturer or exporter to ship and deliver on board ship or railroad cars at Montreal, dairy products of the quantity and quality specified in such arrangements or requirements for shipment to the United Kingdom Ministry of Food;
- (b) to require any manufacturer or exporter to store for future delivery to the United Kingdom Ministry of Food such dairy products as the Board unanimously determine shall be necessary to satisfy future requirements of the aforesaid Ministry of Food under agreements with the Government of Canada;
- (c) to determine the prices which shall be paid to manufacturers or exporters for dairy products delivered in accordance with requirements of the Board:

Provided that in the case of dairy products stored in accordance with the requirements of the Board the prices to be paid for such dairy products shall not exceed the prices of the products at the time they were taken into store plus carrying and storage charges approved by the Board; and provided further that in determining the prices which shall be paid for dairy products delivered as required by the Board and in requiring manufacturers or exporters to store dairy products and in exercising all or any of its other powers it shall be the duty and responsibility of the Board to have regard to the present and future conditions of the market for dairy products and the undertakings and needs of the Government of the United Kingdom under its agreements with the Government of Canada and to ensure that the prices to be paid to the manufacturers or exporters and all other expenditures or liabilities incurred or to be incurred in respect of such dairy products delivered as aforesaid (administrative expenses of the Board excepted) shall be fully covered by and met out of the amount to be paid by the Government of the United Kingdom under the agreements aforesaid;

- (d) in determining prices to be paid manufacturers or exporters as hereinbefore provided to establish differentials in prices that will be paid for official grades;
- (e) to requisition cheques to be drawn against any special account herein-after referred to for the payment of dairy products delivered pursuant to the requirements of the Board;
- (f) to inspect dairy products delivered or to be delivered pursuant to requirements of the Board and to reject any such products which do not conform to the required grade standards;

- (g) to require any manufacturer or exporter to give priority to the delivery of dairy products to be delivered pursuant to a requirement of the Board;
- (h) to fix the minimum prices to be paid by manufacturers and exporters for dairy products;
- (i) to consult from time to time with any advisory committee that may be named by the Governor in Council on the recommendation of the Minister to assist the Board;
- (j) to require any persons producing, dealing in or having control of any dairy products or accommodation suitable for storage thereof to make periodical or other returns at such times and containing such particulars as the Board may require;
- (k) to make arrangements with the United Kingdom Ministry of Food with respect to minor or incidental adjustments of prices and quantities of dairy products to be delivered to the aforesaid Ministry of Food under its agreements with the Government of Canada;
- (l) to order that manufacturers and exporters shall obtain licences from the Board and to issue licences to such persons upon such terms and conditions to be fixed by the Board and to fix the fees payable on account of such licences:

Provided, however, that the issue to any person of a licence shall not be deemed to affect the liability of such person to obtain a licence as required by any other statute or law of Canada or any province thereof;

- (m) to incur, out of moneys provided by Parliament, expenditures for the maintenance of offices, for salaries and travelling expenses of members and appointees of the Board, for travelling expenses of members of any advisory committees named by the Governor in Council and of persons whose services may be temporarily required;
- (n) to make such rules as may seem expedient for the conduct of its business and proceedings not inconsistent with the provisions of these regulations.

(2) Upon receipt of a requirement of the Board to store dairy products as hereinbefore provided a manufacturer or exporter shall comply with such requirements according to the terms thereof and shall be entitled to be required to deliver such dairy products to the United Kingdom Ministry of Food.

3. Upon receipt of a requirement of the Board to deliver dairy products as hereinbefore provided a manufacturer or exporter shall comply with such requirement according to the terms thereof and subject as hereinafter provided in paragraph (2) of clause 5 shall be entitled to be paid therefor at the price or prices determined by the Board in accordance with these regulations.

5. (1) there shall be special accounts in the Consolidated Revenue Fund called the Cheese Account, the Concentrated Milks Account and the Butter Account to each of which respectively the Minister of Finance shall from time to time credit all monies received from the United Kingdom Ministry of Food for the purchase of cheese, concentrated milks or butter as the case may be.

(2) The Minister of Finance may, subject to the provisions of these regulations, on the requisition of the Board, pay out of the appropriate special account and to the extent only of the amount standing at credit in such special account sums necessary to compensate manufacturers or exporters for the particular dairy product delivered by them pursuant to the requirements of the board, but no other payments shall be made a charge on any special account.

6. No information with respect to the business of any person, which has been obtained under or by virtue of these regulations shall be disclosed without

the consent of the person carrying on that business: Provided that nothing in this subsection shall apply to the disclosure of any information,—

- (a) to a Government Department or any person authorized by a Government Department requiring such information for the purpose of the discharge of the functions of that Department; or
- (b) for the purpose of any prosecution for an offence under these regulations.

7. The Board shall maintain complete and accurate records of all its transactions and the Minister of Finance may at any time by means of an officer of his Department inspect such records.

8. (1) Any manufacturer or exporter or other person who

- (a) fails to make any return which he is required by the Board to make; or
- (b) knowingly makes any untrue statement in any such return; or
- (c) without reasonable excuse fails to comply with any order or requirement of the Board; or
- (d) fails to produce to any person authorized for the purpose by the Minister of Finance or the Board any books or documents of any description; or
- (e) exports or attempts to export dairy products to the United Kingdom in contravention of any order of the Board; or
- (f) purchases any dairy product at prices less than the minimum price fixed by the Board; or
- (g) discloses information contrary to these regulations; or
- (h) operates or carries on any business in respect of which a licence is required unless he has a licence from the Board which is in full force and effect; or
- (i) commits any act or deed in contravention of these regulations not hereinbefore specified,

shall be guilty of an offence under these regulations and shall be liable on summary conviction to a fine not exceeding \$500 and if he be convicted in respect of a failure to make a return as required by paragraph (a) hereof and the failure continues after the conviction, he shall be liable on summary conviction to a fine not exceeding \$200 for each day on which such failure continues, not, however, exceeding a total of \$5,000.

(2) Where any offence under these regulations, committed by a body corporate, is proved to have been committed with the consent or connivance of any Director, Manager, Secretary or other officer of the Body corporate, he, as well as the Body corporate, shall be deemed to be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

9. These regulations shall come into force on the date of approval and any subsequent regulation or any amendment or repeal of any regulation shall come into force upon publication in the *Canada Gazette*.

(2) Any order of the Board shall be effective from the date of publication in the *Canada Gazette*.

10. The Board shall report to the Minister as and when required to do so by the Minister.

Order in Council Prohibiting Exportation of Rennet

Canada Gazette June 1, 1940

P.C. 2169

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 24th day of May, 1940

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas, by Order in Council dated the 13th day of January, 1940 (P.C. 148) the exportation of calves' stomachs, from which rennet, essential as a coagulant in the manufacture of cheese, is made, is prohibited;

And whereas the Minister of Agriculture reports that it is now desirable and expedient that such prohibition be extended, in the interests of the cheese industry, to all rennet manufactured in Canada;

Now therefore His Excellency the Administrator in Council, on the recommendation of the Minister of Agriculture and under the authority of The War Measures Act, is pleased to order that the exportation of rennet from Canada be and it is hereby prohibited.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council Authorizing Disposal of Apples

P.C. 2170

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Administrator on the 28th May, 1940.

The Committee of the Privy Council have had before them a report, dated 18th May, 1940, from the Minister of Agriculture, stating that he has received representations from the Agricultural Supplies Board:—

- (1) That under the terms of the Agreement with Nova Scotia apple manufacturers, the quantities of processed apples which on May 15th had not been sold by manufacturers, and which on that date became the property of the Dominion Government, are approximately as follows: 548,653 cases of canned apples (valued at \$843,720) and 154,633 cases of evaporated apples (valued at \$564,410), a total of 703,286 cases of processed apples valued at \$1,408,130;
- (2) That all but a few thousand cases of the canned apples are packed in gallon tins suitable for export, but very difficult to sell in quantity in the domestic market;
- (3) That any attempt to dispose of such a large volume of these products at reduced prices in the domestic market during the next few months would encounter the following difficulties:—
 - (a) Involvement of Ontario and British Columbia manufacturers in losses on apples still unsold which were processed by them without Government assistance;

- (b) Interference to some degree with the sale of soft fruits during the summer months;
- (c) Drastic curtailment of manufacturing of the 1940 crop in all apple-producing provinces, owing to the volume of low-priced product with which trade channels would still be clogged by next fall;
- (4) That while the British Ministry of Food purchased these products in considerable volume early in the year, recent advice from the Ministry is to the effect that further purchases within present schedules will not be made; and
- (5) That in the light of the above considerations, the Board recommends that an effort be made to dispose of these quantities of surplus processed apples as follows:—
 - (a) By offering free to the British Ministry of Food, through the High Commissioner for Canada, 75 per cent of the canned apples (or 400,000 cases) and 50 per cent of the evaporated apples (or 75,000 cases) on a basis f.a.s. Halifax;
 - (b) By offering free by carlots, to provincial government authorities charged with the administration of relief, whatever quantities of the remainder of these foods they will accept on a basis f.o.b. Nova Scotia storage, to be used for relief purposes subject to exercise of all possible safeguards against distribution to potential purchasers of such products, June 30th to be the closing date for such delivery.

The Minister, therefore, recommends that in virtue of the powers conferred by the War Measures Act, he be authorized to offer these quantities of surplus processed apples to the British Ministry of Food and to provincial government authorities on the basis proposed in paragraph numbered 5 hereof.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council Authorizing Minister of Munitions and Supply to Acquire Materials for Production of Munitions of War

P.C. 2189

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 24th day of May, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas section 6 of the Department of Munitions and Supply Act requires the Minister of Munitions and Supply (among other things) to organize the sources of supply of munitions of war and supplies and the agencies available for the supply of the same and generally to take steps to mobilize, conserve and co-ordinate the economic and industrial facilities available in respect of munitions and supplies for the effective prosecution of the

present war, and authorizes the Minister of Munitions and Supply, in his discretion, to make use of the services of any agency or association in carrying out any of the purposes or provisions of the Act;

And whereas by Order in Council P.C. 1437, of the 9th day of April, 1940, the Minister of Munitions and Supply is authorized to procure, purchase and acquire munitions of war and supplies which may be required by the Government of Canada, and to enter into contracts therefor;

And whereas the Minister of Munitions and Supply reports that it is a matter of urgency and of national importance that all possible steps be taken to ensure an adequate supply of certain materials and commodities for the production of munitions of war and supplies and that unless such supply is ensured immediately there is a serious risk that a sufficient quantity thereof will not be available at a later date or that the price for such quantity as can later be obtained will be substantially in excess of that now prevailing; that it is impracticable and not in the public interest to call for tenders; and that to disturb the market price as little as possible, purchases and sales should not be made through an ostensible Government source.

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Munitions and Supply and under and by virtue of the powers conferred by the Department of Munitions and Supply Act and amendments thereto, and (without being limited or by reference to the foregoing) under and by virtue of the powers conferred by the War Measures Act, is pleased to authorize and doth hereby authorize the Minister of Munitions and Supply:—

- (a) to acquire at such price or prices as he may from time to time decide, such quantities of materials or commodities, raw or manufactured, as he may consider necessary or expedient for the production of munitions of war and supplies and for that purpose he be authorized to expend a total sum not exceeding Five Million Dollars (\$5,000,000);
- (b) to sell, exchange, or otherwise dispose of the whole or any part of the said materials or commodities at such price or prices as he may from time to time decide;
- (c) to direct that the moneys received from sales be re-credited to the appropriation to the amount expended from the said appropriation for the purpose of procuring the said materials or commodities; and
- (d) to enter into agreements with such company or companies as the Minister of Munitions and Supply may cause to be incorporated whereby such company or companies will act as his agent or agents to acquire, dispose of, mortgage and generally deal in all or any of such materials or commodities.

And whereas the Minister of Finance and the Minister of Munitions and Supply represent that, in order to carry out the terms of this Order, it may be desirable to observe commercial financing practices associated with like purchases and sales by importers, commission agents and manufacturers;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Finance and the Minister of Munitions and Supply, and under and by virtue of the aforementioned powers, is further pleased to order as follows:—

- (a) the Minister of Munitions and Supply is hereby authorized to mortgage or hypothecate for such amount or amounts as he may from time to time consider desirable either directly or through the medium of such company or companies, all or any of the said materials or commodities.

- (b) The Minister of Finance is hereby authorized to give such guarantees as he may deem necessary to any bank or banks against loss, by reason of the exercise of any of the powers conferred on the Minister of Munitions and Supply herein, provided that the total amount of such guarantees in effect at any one time shall not exceed Two Million Dollars (\$2,000,000) the Minister of Finance to be entitled to rely upon the certificates of the Minister of Munitions and Supply, as to the name of any company (the account of which with any such bank the Minister of Finance is being asked to guarantee) and that such company is beneficially owned by His Majesty, through ownership by the Minister of Munitions and Supply, as Trustee of all its issued shares save and except directors' qualifying shares.

Order in Council Prohibiting Navigation in Welland Ship Canal

P.C. 2192

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 27th day of May, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of Transport represents that it is proposed to prohibit, for the duration of the war, the navigation and/or the berthing of small craft in the Welland Ship Canal north of Bridge No. 20, except as hereinafter set out, in order to facilitate the protection of the said Canal against sabotage; and

That the adoption of this proposal is considered advisable and necessary by the Royal Canadian Mounted Police;

Now, Therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Transport and under the provisions of the War Measures Act, is pleased to grant and doth hereby grant authority for prohibiting the navigation and/or the berthing in the Welland Ship Canal north of Bridge No. 20 of all craft with hulls of 40 feet or less in length, such as motor boats, sail boats, row boats, and canoes, except when such craft are passing through the Canal from Lake Ontario to Lake Erie or vice versa.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Proclamation

Deputy Governor General.

L. P. DUFF,

(L.S.)

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India;

To All To Whom these Presents shall come or whom the same may in anywise concern,

GREETING:

A PROCLAMATION

W. STUART EDWARDS,

Deputy Minister of Justice of Canada.

Whereas the armed forces of the German Reich have by illegal action, contravened the laws and customs of war, the rights of neutrals and the obligations of humanity and have disregarded international treaties to which Germany is a party.

And Whereas such illegal actions justify and make necessary retaliation.

And Whereas retaliatory action has been undertaken by the Governments of the United Kingdom and the French Republic, by making provision for the seizure of enemy exports.

And Whereas it is necessary and expedient that similar action should be taken in Canada.

And Whereas Our Governor General in Council has ordered that a Proclamation be issued accordingly and published forthwith in the *Canada Gazette*.

Now Know Ye that by and with the advice of Our Privy Council for Canada and pursuant to the powers vested in Us by the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, We do by this Our Proclamation declare and direct:

1. That every merchant vessel, which sailed from any enemy port, including any port in territory under enemy occupation or control, after the fourth day of December, 1939, may be required to discharge in a Canadian port any goods on board laden in such enemy port.

2. That every merchant vessel which sailed from a port other than an enemy port after the fourth day of December, 1939, having on board goods which are of enemy origin or are enemy property may be required to discharge such goods in a Canadian port.

3. That goods discharged in a Canadian port under either of the preceding articles shall be placed in the custody of the Marshal of the Prize Court, and, unless the Court orders them to be requisitioned for the use of His Majesty, shall be detained or sold under the direction of the Court. The proceeds of the goods so sold shall be paid into Court.

On conclusion of peace such proceeds and any goods detained, but not sold, shall be dealt with in such manner as the Court may in the circumstances deem just; provided that nothing herein shall prevent payment out of Court of any such proceeds or release of any goods at any time, (a) if it be shown to the satisfaction of the Court that the goods had become neutral property before the fourth of December, 1939; or (b) with the consent of the proper officer of the Crown.

4. That the law and practice in Prize shall, so far as applicable, be followed in all cases arising under this Order.

5. That nothing in this Order shall affect the liability of any vessel or goods to seizure or condemnation independently of this Order.

6. That for the purposes of this Order the words: "goods which are of enemy origin" shall include goods having their origin in any territory under enemy occupation or control, and the words: "goods which . . . are enemy property" shall include goods belonging to any person in any such territory.

7. That proceedings under this Order may be taken in any Prize Court having jurisdiction to which The Prize Court Rules, 1939, apply.

8. That for the purposes of this Order the words: "Canadian port" mean any port within the jurisdiction of any Prize Court to which The Prize Court Rules 1939, apply.

Of All Which Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. Witness: Our Right Trusty and Well-beloved Counsellor the Right Honourable Sir Lyman Poore Duff, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Chief Justice of Canada and Deputy of Our Right Trusty and Well-beloved John, Baron Tweedsmuir of Elsfeld, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Member of Our Order of the Companions of Honour, Governor General and Comander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this eighth day of December, in the year of Our Lord one thousand nine hundred and thirty-nine and in the Third year of Our Reign.

By Command,

E. H. COLEMAN,
Under-Secretary of State.

Order in Council establishing status of Canadian Forces in
Bermuda and West Indies

P.C. 2218

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 28th day of MAY, 1940

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of National Defence reports that the presence in the West Indies and Bermuda of Military Forces of Canada on occasions when Military Forces of the United Kingdom and of any of the said Colonial possessions are also present, makes it essential that the relationship and status of such Canadian Forces with that of the other Forces mentioned be established;

And whereas the Visiting Forces (British Commonwealth) Act, 1933, Chapter 21 of the Statutes of Canada, 1933, in so far as Canadian Forces are concerned, makes the necessary provision for the matters referred to above;

And whereas similar legislation exists with respect to the Forces of the United Kingdom and those of certain other parts of the British Commonwealth;

And whereas sub-sections (4) and (5) of Section 6 of the said Act read as follows:—

(4) When a home force and another force to which this section applies are serving together, whether alone or not:—

(a) any member of the other force shall be treated and shall have over members of the home force the like powers of command as if he were a member of the home force of relative rank: and

(b) if the forces are acting in combination, any officer of the other force appointed by His Majesty, or in accordance with regulations made by or by authority of His Majesty, to command the combined force or any part thereof, shall be treated and shall have over members of the home force the like powers of command and punishment, and may be invested with the like authority to convene, and confirm the findings and sentences of, courts martial as if he were an officer of the home force of relative rank and holding the same command.

(5) For the purposes of this section, forces shall be deemed to be serving together or acting in combination if and only if they are declared to be so serving or so acting by order of the Governor in Council, and the relative rank of members of the home forces and of other forces shall be such as may be prescribed by regulations made by His Majesty.

And whereas Section 7 (c) of the said Act reads as follows:—

“7. This Act shall, subject to such exceptions, adaptations and modifications as the Governor in Council may direct, apply—

.....
.....

(c) in relation to any forces and to the officers and members of such forces raised in a colony;”

And whereas the Minister of National Defence observes that in respect of Canadian Military Forces serving in the West Indies and Bermuda the provisions of Paragraph (a) of sub-section (4) of the said Section 6, quoted above, would have the effect of establishing their relationship and status with members of Military Forces of the United Kingdom and of any of the said Colonial possessions, if, pursuant to sub-section (5) of the said Section 6, the said Forces were declared to be serving together;

That in this connection a similar declaration with respect to the Military Forces of the United Kingdom and of any of the said Colonial possessions would be required to be made under the corresponding provisions of the Visiting Forces (British Commonwealth) Act of the United Kingdom;

That the fact of Canadian Military Forces being declared to be serving together with any of the other Military Forces hereinbefore mentioned would in no way restrict the control and administration by the Government of Canada of such Canadian Forces while serving in the West Indies or Bermuda;

That it may become necessary for the Canadian Military Forces serving in the West Indies and Bermuda to be acting in combination with the Military Forces of the United Kingdom and of any of the said Colonial possessions;

That provision is made in Paragraph (b) of subsection (4) of Section 6 of the said Visiting Forces (British Commonwealth) Act, 1933, for the exercise of command by the officer whom His Majesty appoints to command such combined Force; that, under sub-section (5) of the said Section 6, the said Forces would only be deemed to be acting in combination if they were so declared by or under authority of the Governor in Council.

And whereas the Minister further observes that in his opinion it is desirable that such a declaration be made and that a similar declaration with respect to Military Forces of the United Kingdom serving in the West Indies and Bermuda and with respect to the Military Forces of those Colonies, would be required to be made under the corresponding provisions of the Visiting Forces (British Commonwealth) Act of the United Kingdom;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of National Defence and pursuant to the provisions of the Visiting Forces (British Commonwealth) Act, 1933, Chapter 21 of the Statutes of Canada, 1933, and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to order and doth hereby order and declare—

- (1) That all Military Forces of Canada present in the West Indies and Bermuda serve together therein with the Military Forces of the United Kingdom and the Military Forces of the said Colonies, present in the West Indies and Bermuda;
- (2) That in respect of any Military Forces of Canada serving in the West Indies and Bermuda those parts thereof as may from time to time be detailed for that purpose by the appropriate Canadian Service Authorities as from time to time designated by the Minister of National Defence, shall act in combination with those Forces of the United Kingdom present in the West Indies and Bermuda and those Forces of the said Colonies to which the same have been so detailed.

His Excellency the Administrator in Council, for the purpose of giving effect to the provisions of sub-section (2) of Section 6 of The Visiting Forces (British Commonwealth) Act, 1933, is further pleased, on the recommendation of the Minister of National Defence, and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, to authorize and doth hereby authorize the appropriate Canadian Service Authorities to take such

action as may be necessary to effect the attachment of members of the Military Forces of the United Kingdom and of the said Colonial possession to the Military Forces of Canada, and vice versa.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing disposal of Danish ships
brought into Canadian ports

P.C. 2225

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 28th day of May, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas by Order in Council, P.C. 1594, of the 22nd April, 1940, made pursuant to the provisions of the War Measures Act, authority was granted to hand over Danish ships seized in prize and either requisitioned for use by the Canadian Government or condemned by the Court as prize, to the Canadian Government Merchant Marine Limited for operation on behalf of the Government of Canada;

And whereas the Minister of Transport reports that since the making of the said Order in Council a Danish ship was brought into a Canadian port by a prize crew from the Royal Navy and arrangements are now being made by the United Kingdom authorities for other Danish ships to come into Canadian ports on certain conditions;

That it is possible that other Danish ships may come into Canadian ports as a result of action taken by Allied or Associated Governments; and

That it is desirable, in the case of Danish ships coming into Canadian ports as a result of action taken by Allied or Associated Governments and seized in prize, that the said Order in Council should not necessarily apply;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Transport and under and in virtue of the provisions of the War Measures Act, chapter 206, Revised Statutes of Canada, 1927, is pleased to order and it is hereby ordered that in the case of Danish ships coming into Canadian ports as a result of action taken by Allied or Associated Governments and seized in prize, the provisions of the said Order in Council P.C. 1594 shall not necessarily apply but that such ships shall be disposed of in the discretion of the Minister of Transport, acting on the advice of the Canadian Shipping Board, in accordance with the wishes of the Allied or Associated Government concerned and subject to such arrangements therefor as the said Minister may see fit.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

P.C. 2279

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 30th day of May, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas by Order in Council, P.C. 3060, dated the 11th of October, 1939, as amended by Order in Council, P.C. 92, dated the 10th of January, 1940, made under the War Measures Act, authority was given for the closing to navigation, for the duration of the war, for the purpose of safeguarding from possible sabotage the Queenston power plant of The Hydro-Electric Power Commission of Ontario, of that portion of the Welland River which extends from the syphon culvert under the Welland Ship Canal, at Welland, Ontario, to the Niagara River;

And whereas the Minister of Transport reports that numerous protests have been received from residents along the Welland River against such prohibition applying to the whole of the portion of the River referred to, and in order to meet as far as possible the convenience of these people, many of whom are the owners of pleasure craft which would be quite useless as long as the said prohibition continues, it is proposed to have such prohibition apply only to that portion of the River which would be marked by booms which the Hydro-Electric Power Commission have agreed to erect across the River upstream and downstream from the duplicate intake of the head-race of the Queenston power plant from the Welland River; and

That these booms would be adequately marked by warning signs and lights so that persons using the River would be safeguarded against colliding with them;

Therefore His Excellency the Administrator in Council, on the recommendation of the Minister of Transport, is pleased to amend Order in Council, P.C. 3060, dated the 11th of October, 1939, as amended by Order in Council, P.C. 92, dated the 10th of January, 1940, and it is hereby further amended to limit its application to that portion of the Welland River which would lie between the booms proposed to be placed in the River as above mentioned.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council further defining status of R.A.F. personnel on
loan for Air Training Plan**

P.C. 2302

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Administrator on the 30th May, 1940.

The Committee of the Privy Council have had before them a report, dated 8th May, 1940, from the Acting Minister of National Defence, stating that it is necessary, having regard to the Order in Council (P.C. 578) dated 12th February, 1940, further to define the status of Royal Air Force personnel on loan for the Commonwealth Air Training Plan, particularly in regard to certain financial matters for which the inter-governmental agreement does not provide.

That the Supervisory Board to the British Commonwealth Air Training Plan has recommended that provision be made for such personnel on the principles set out below; and

That the Acting Deputy Minister of National Defence for Air has concurred in such recommendations and has further recommended that such provision be made in the following form:—

That as of and from the date of their disembarkation in Canada, R.A.F. personnel loaned under Article 8 of the Inter-governmental Agreement pertaining to the British Commonwealth Air Training Plan, will receive pay and allowances, including dependents' allowances, but excluding outfit allowances and non-effective benefits, at the rates prescribed in the Financial Regulations and Instructions for the Royal Canadian Air Force on Active Service (Canada) for Officers and Airmen of relative ranks.

That Officers and Warrant Officers of the Royal Air Force on loan will be subject to a deduction of five per centum from their pay and allowances as if Section 8 of the Militia Pension Act applied to them. Such deductions shall be placed in a Special Suspense Account pending determination of the question as to whether the same will be applied towards meeting the cash contributions which, in respect of any of the Officers and Warrant Officers concerned, are required to be made under Article 11 (e) (i) of the Inter-governmental Agreement towards future non-effective benefits, and that, in the event of it being decided that the amount so deducted will in the case of the individual concerned be so applied, action so to apply it will accordingly be taken. Conversely, if it be decided that said deductions will not be so applied, then such deductions will cease, and the amount so deducted will be returned without interest to the Officer or Warrant Officer concerned.

That personnel of the R.A.F. on loan will be subject to Canadian Income Tax for the period during which they draw Royal Canadian Air Force rates of pay.

That personnel of the R.A.F. while so attached to the Royal Canadian Air Force will wear R.A.F. uniform, but will conform to the order of R.C.A.F. Dress.

That personnel of the R.A.F. loaned for the purposes of training schemes prior to the British Commonwealth Air Training Plan, will be dealt with on the above basis as of and from the 1st January 1940.

The Committee concur in the foregoing recommendations and on the recommendation of the Acting Minister of National Defence submit the same for approval.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council amending Defence of Canada Regulations—
Enemy aliens and enemy alien property**

Canada Gazette June 22, 1940

P.C. 2322

FRIDAY, the 31st day of May, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of Justice reports that the Interdepartmental Committee on the Treatment of Enemy Aliens and Enemy Alien Property has reviewed Regulations 21 to 26, both inclusive, of the Defence of Canada Regulations, in the light of the experience obtained as a result of nearly nine months of war and having regard to representations which have been made to the effect that the Regulations should be modified or revised, and

That the said Committee, in its report dated the 22nd day of May, 1940, recommended that Regulations 21, 22, 23, 24 and 26 of the Defence of Canada Regulations, be amended for the reason set out therein.

Therefore His Excellency the Administrator in Council, on the recommendation of the Minister of Justice and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the revised Statutes of Canada 1927, is pleased to amend the Defence of Canada Regulations and they are hereby amended as follows:

1. Regulation 21 is amended by adding thereto, immediately after paragraph (2), the following paragraph:—

(3) The Minister of Justice shall make a periodic report to Parliament showing the action taken under this Regulation, which report shall show:—

(a) the number of persons detained under orders made pursuant to this Regulation; and

(b) the number of cases, if any, in which the Minister of Justice declined to follow the advice of any advisory committee which may be appointed under the next following Regulation.

2. Paragraph (1) of Regulation 22 is rescinded and the following substituted therefor:

(1) For the purposes of the preceding Regulation the Minister of Justice may appoint one or more advisory committees, each such committee to consist of a person who holds or has held high judicial office.

3. Regulation 23 is amended by adding thereto, immediately after paragraph (3), the following paragraph:—

(4) The term "prisoner of war" used in this Regulation shall include any person detained or interned under these Regulations.

4. Regulation 24 (1) is rescinded and the following substituted therefor:—

24 (1) All enemy aliens legally admitted to Canada and ordinarily resident in Canada, so long as they peacefully pursue their ordinary avocations, shall be allowed to continue to enjoy the protection of the law and shall be accorded the respect and consideration due to peaceful

and law-abiding citizens, and they shall not be arrested, detained or interfered with, provided they comply with the requirements in respect of registration prescribed in the next following Regulation, unless the Minister of Justice is satisfied that they have acted, or may act, in any manner prejudicial to the public safety or the safety of the State.

5. Regulation 26, as amended by Order in Council P.C. 3812, of the 23rd November, 1939, is rescinded and the following substituted therefor:—

26. Nothing in the two preceding Regulations shall prevent the Minister of Justice from ordering the release of any enemy alien from arrest, detention or interment, or from ordering the arrest, detention or interment of any enemy alien.

(Sgd.) A. D. P. HEENEY

Clerk of the Privy Council.

**Order in Council amending Defence of Canada Regulations—
organizations of subversive character declared illegal**

Canada Gazette, June 8, 1940.

P.C. 2363

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 4th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of Justice reports

1. That he considers it desirable to amend the Defence of Canada Regulations by adding to regulation 2 thereof a definition of the expression "justice of the peace", and amending sub-paragraph (h) of paragraph (1) of that regulation so as to permit an inspector of a police force in a city or town with a population of not less than ten thousand to exercise the powers of a senior police officer;

2. That he is advised that there are within Canada numerous organizations of a subversive character which are intended, or are likely, to be prejudicial to the safety of the State or the efficient prosecution of the War, certain of which organizations are hereinafter referred to or mentioned;

3. That in these circumstances it is desirable that such organizations should be prohibited and that a regulation should be made for this purpose and added to the Defence of Canada Regulations;

4. That it is considered desirable to make all commissioned officers of the Royal Canadian Mounted Police justices of the peace for the purpose of issuing search warrants.

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Justice and under the authority of the War Measures Act, chapter 206, of the Revised Statutes of Canada, 1927, is pleased

to amend the Defence of Canada Regulations made by Order in Council P.C. 2483 of the 3rd September, 1939, and they are hereby amended as follows:—

1. By adding immediately after sub-paragraph (e) of paragraph (1) of regulation 2 the following:—

(ee) "justice of the peace" includes a police magistrate, a stipendiary magistrate, or any person having the power or authority of two or more justices of the peace.

2. By revoking sub-paragraph (h) of paragraph (1) of regulation 2 and substituting therefor the following:—

(h) "senior police officer" means any officer of the Royal Canadian Mounted Police not below the rank of inspector; any officer of like or superior rank of any provincial police force or of any police force of a city or town with a population of not less than ten thousand; or any person upon whom the powers of a senior police officer are for the purposes of these Regulations conferred by the Governor in Council.

3. By adding immediately after regulation 39B the following:—

"39C. (1) The following associations, societies, groups or organizations are hereby declared to be, and shall be deemed to be, illegal organizations, viz:—

(a) The Auslands Organization of the National Sozialistische Arbeiterpartei;

The Deutsche Arbeitsfront;

The Canadian Society for German Culture (Deutscher Bund fur Kanada);

The National Unity Party;

Canadian Union of Fascists;

The Communist Party of Canada;

The Young Communist League of Canada;

The Canadian Labour Defence League;

The League for Peace and Democracy;

The Ukrainian Labour Farmer Temple Association;

The Finnish Organization of Canada;

The Russian Workers and Farmers Club;

The Croatian Cultural Association;

The Hungarian Workers Club;

The Polish People's Association; and

The Canadian Ukrainian Youth Federation;

(b) any association, society, group or organization which the Governor in Council, by notice published in the *Canada Gazette* declares to be an illegal organization.

(2) Every person who after the publication of this regulation in the *Canada Gazette* continues to be or becomes an officer or member of an illegal organization, or professes to be such, or who advocates or defends the acts, principles or policies of such illegal organization shall be guilty of an offence against this regulation.

(3) In any prosecution under this regulation, if it be proved that the person charged has

(a) attended meetings of an illegal organization; or

(b) spoken publicly in advocacy of an illegal organization; or

(c) distributed literature of an illegal organization by circulation through the Post Office mails of Canada, or otherwise;

it shall be presumed, in the absence of proof to the contrary, that he is a member of such illegal organization."

4. By adding to regulation 58 as paragraph (3) the following:—

(3) For the purposes of this regulation every commissioned officer of the Royal Canadian Mounted Police shall be a justice of the peace.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council prohibiting women and children from entering
European war zone**

Canada Gazette (Extra) June 5, 1940

P.C. 2371

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 4th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas there has laid before His Excellency the Administrator in Council a report from the Secretary of State for External Affairs, dated 28th May, 1940, representing that it is expedient for the present that women and children should not be permitted to go upon voyages which would require the ship upon which they are embarked to enter or pass the European war zone;

That regulations should be made for the purpose of giving effect to the requisite prohibition; and

That cases of hardship, however, may be expected to arise when it would be expedient to relax these regulations;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Secretary of State for External Affairs and under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to make the following Regulations and they are hereby made and established accordingly.

REGULATIONS

1. Women, other than women engaged or employed in the Armed Forces or Public Service of Canada, and children under the age of twelve years are prohibited to go or embark or to leave Canada with the intention of going or embarking on board any ship or vessel upon any voyage in the prosecution of which such ship or vessel will in the ordinary course enter, navigate or pass through the war zone of enemy naval and air activity surrounding the British Isles or in European waters; and the masters or owners of any ship or vessel sailing from any port or place in Canada upon any such voyage as aforesaid, and any manager or agent for the owners, as well as any manager, director,

officer or agent of any company to which such ship or vessel belongs or which is responsible for the navigation thereof, who authorizes, suffers or permits any woman, other than a woman engaged or employed in the Armed Forces or Public Service of Canada, or child under the age of twelve years, to go or embark upon such ship or vessel for the purpose of going or being carried or transported, as a passenger or otherwise, upon any such voyage, shall be guilty of an offence and liable therefor upon summary conviction under Part XV of the Criminal Code to a penalty not exceeding \$2,000, and not less than \$500, or to imprisonment for any term not exceeding six months, or to both such fine and imprisonment;

2. The Customs officers shall before granting a clearance to any ship or vessel for any such voyage as aforesaid see that all women, other than women engaged or employed in the Armed Forces or Public Service of Canada, and children intending to sail thereby are therefrom removed;
3. The Passport Officer shall see that no passport facilities to women, other than women engaged or employed in the Armed Forces or Public Service of Canada, and children under the age of twelve years under the conditions referred to above be granted;
4. In cases, however, when it would be expedient to relax the prohibition aforesaid, the Secretary of State for External Affairs is authorized to grant exemption to women, girls or children from the operation of these regulations.

These regulations shall be immediately notified by publication in the *Canada Gazette*.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending Defence of Canada Regulations—all aliens of German or Italian racial origin required to register and possession of firearms, explosives, etc., prohibited

P.C. 2505

Canada Gazette June 15, 1940

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 10th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of Justice reports that it is considered desirable to require all aliens of German or Italian racial origin and all persons of German or Italian racial origin who have become naturalized British subjects since the first day of September, 1929, to register in accordance with the provisions of regulations 24, 25 and 26 of the Defence of Canada Regulations;

That by Order in Council P.C. 3042 of the 11th October, 1939, Orders and Regulations for the prevention of the use or possession of firearms, ammunition, dynamite, gunpowder or other dangerous explosive within Canada by enemy aliens were made;

That it is considered desirable that similar provisions be made with respect to all aliens and persons of German or Italian racial origin who have become naturalized British subjects since the 1st day of September, 1929;

That it is further considered desirable to permit any constable or prison officer to photograph and take measurements of any person who is detained under the provisions of regulations 21, or who is in lawful custody, charged with, or under conviction of, any offence against these Regulations; and

That it is also considered desirable to revoke the said Orders and Regulations made under the said Order in Council P.C. 3042 and in substitution therefor to add a regulation to the Defence of Canada Regulations;

Now therefore His Excellency the Administrator in Council, on the recommendation of the Minister of Justice and under and in virtue of the provisions of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend the Defence of Canada Regulations made by Order in Council P.C. 2483 of the 3rd September, 1939, and they are hereby amended as follows:—

1. By adding as regulation 26B the following:

26B. The provisions of regulations 24, 25 and 26 shall apply mutatis mutandis to all aliens of German or Italian racial origin and all persons of German or Italian racial origin who have become naturalized British subjects since the first day of September, 1929; Provided that in the case of any such person the Registrar General may issue a certificate exempting such person from the operation of any of the said provisions.

2. By adding as regulation 37A the following:

37A. (1) Notwithstanding anything to the contrary contained in the Criminal Code the possession of firearms or any ammunition therefor or of any dynamite, gunpowder or other dangerous explosive within Canada by any person who is an alien or any person of German or Italian racial origin who has become a naturalized British subject since the first day of September, 1929, is prohibited.

(2) It shall be the duty of every such person within Canada having in his possession or upon his premises any firearm or any ammunition therefor or any dynamite, gunpowder or other dangerous explosive within ten days from the publication of this regulation in the *Canada Gazette* to cause such firearm, ammunition, dynamite, gunpowder or other dangerous explosive to be delivered to a justice of the peace residing in or near the locality where such firearm, ammunition, dynamite, gunpowder or other dangerous explosive is had in possession, or to an officer or constable of a police force of the province or city in or near such locality or to an officer or constable of the Royal Canadian Mounted Police.

(3) Any justice of the peace or any such officer or constable receiving any such firearm, ammunition, dynamite, gunpowder or other dangerous explosive shall give to the person delivering the same a receipt therefor and shall report the fact to the Commissioner of the Royal Canadian Mounted Police under whose direction the property so delivered shall be retained or otherwise disposed of.

(4) If any such person within Canada is reasonably suspected of having in his possession or upon his premises any firearm or ammunition therefor, dynamite, gunpowder or other dangerous explosive he may be searched or his premises or any place occupied or believed to be occupied by him may be searched by any peace officer or by

any officer or constable of the Royal Canadian Mounted Police without warrant and if any firearm, ammunition, dynamite, gunpowder or other dangerous explosive be found upon the premises or person of any such person or in any such place as aforesaid the same shall be seized and if such search and seizure shall have taken place after the expiration of the period of ten days hereinbefore mentioned the property so seized may be forfeited to the Crown and the person upon whom or upon whose premises or in whose possession any such firearm, ammunition, dynamite, gunpowder or other dangerous explosive is found shall be guilty of an offence against this regulation.

(5) Any person who gives, sells, hires, leases or transfers possession of any firearm, ammunition, dynamite, gunpowder or other dangerous explosive to any such person shall be guilty of an offence against this regulation.

(6) If any question arises under this regulation, or in any proceeding instituted thereunder, or with reference to anything done or proposed to be done under the authority thereof as to whether any person is an alien or a person of German or Italian racial origin who has become a naturalized British subject since the first day of September, 1929, the onus or proof that any person so suspected or charged is not an alien or is not a person who is naturalized as aforesaid shall lie upon the accused in such proceeding.

3. By adding as regulation 60A the following:

"60A. (1) Subject as hereinafter mentioned, and without prejudice to any other powers in that behalf, a person who is detained under regulation 21 of these Regulations, or who is in lawful custody, charged with or convicted of any offence against these Regulations, may be photographed and measured by any constable or prison officer.

(2) The photographs to be taken may include a photograph of the full face, a photograph of the true profile and a full length photograph.

(3) The measurements to be taken may include:

- (a) his height when standing;
- (b) the size and relative position of every scar and distinctive mark upon any part of his body; and
- (c) the external filament of the fingers and thumbs of both hands—to be taken by pressing them, first upon an ink plate, and then upon paper or cardboard, so as to leave a clear print of the skin surface.

(4) A photograph of a person taken in pursuance of the powers conferred by this regulation shall not be published, except for the purpose of tracing him or shown to any person, other than a constable or servant of the Crown acting in the course of his duty or a person authorized by a constable or servant of the Crown so acting to see it.

(5) Where any person has been photographed and measured under this regulation, all photographs (both negatives and copies), finger-print impressions and records of measurements so taken shall, unless he is convicted of an indictable offence be destroyed on the expiration of this regulation.

His Excellency in Council is further pleased to order that the Orders and Regulations made by Order in Council P.C. 3042 of the 11th October, 1939, be and they are hereby revoked.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council authorizing Proclamation declaring a state of
war with Italy exists in Canada

P.C. 2506

*Certified to be a true copy of a Minute of a Meeting of the Committee of the
Privy Council, approved by His Excellency the Administrator on the
10th June, 1940.*

The Committee of the Privy Council have had under consideration a report, dated June 10th, 1940, from the Right Honourable W. L. Mackenzie King, Prime Minister, representing that:

Whereas Italy has declared her intention to enter the war on the side of Germany and against the Allied Powers;

Whereas a state of war now exists between the United Kingdom and France on the one hand and Italy on the other; and

Whereas at the outbreak of war the Parliament of Canada decided to stand at the side of the United Kingdom and France in their determined effort to resist aggression and to preserve freedom; and

Whereas the Houses of Parliament have expressed their approval of the entry of Canada into a state of war with Italy, and it is expedient that a Proclamation should issue declaring the existence of a state of war between Canada and Italy.

The Prime Minister therefore recommends that the advice of the King's Privy Council for Canada should be submitted to His Majesty the King with a view to the authorization by him of the issue of a Proclamation forthwith, to be published in the Canada Gazette, to the following effect:—

Declaring that a state of war with Italy exists and has existed in Canada as and from June the tenth, 1940.

The Committee concur in the foregoing recommendation and submit the same for Your Excellency's approval.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Canada Gazette (Extra) June 11, 1940

PROCLAMATION

L. P. DUFF,
Administrator.

[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India;

To ALL To WHOM these Presents shall come or whom the same may in anywise concern,

GREETING:

A PROCLAMATION

ERNEST LAPOINTE,
Attorney General,
Canada

Whereas by and with the advice of Our Privy Council for Canada We have signified Our Approval of the issue of a Proclamation in the *Canada Gazette* declaring that a State of War with Italy exists and has existed in Our Dominion of Canada as and from the tenth day of June, 1940.

Now, therefore, We do hereby declare and proclaim that a State of War with Italy exists and has existed in Our Dominion of Canada as and from the tenth day of June, 1940.

OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved Counsellor The Right Honourable Sir LYMAN POORE DUFF, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Chief Justice of Canada and Administrator of the Government of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this tenth day of June, in the year of Our Lord one thousand nine hundred and forty and in the fourth year of Our Reign.

By Command,

W. L. MACKENZIE KING,
Prime Minister of Canada.

Order in Council approving modifications and alterations in
marketing project *re* canned lobsters .

P.C. 2521

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Administrator on the 12th June, 1940.

The Committee of the Privy Council have had before them a report, dated 10th June, 1940, from the Minister of Fisheries, representing that since the appointment of a Controller for canned lobster authorized to buy not more than 55,000 cases of canned lobster from canneries, subject to a condition that each canner establishes to the satisfaction of the Controller that not less than five and a quarter cents per pound has been paid to the fishermen for all live lobster purchased or acquired by the canner from the fishermen during the 1940 season, certain additional information has been brought to his attention as a result of which it would appear that this condition requires to be modified.

The Minister states that the information aforesaid is to the effect that in many cases the canners furnish free to the fishermen certain goods and services which require to be taken into consideration in fixing the minimum price to be

paid; that the services comprise the transportation of the fisherman's lobster to the cannery, without charge, the free use of fishing boats together with traps, lines, oilskins and other equipment; that the canner also frequently furnishes free to the fishermen food and fuel for the operation of fishing vessels and that services and goods are furnished on condition that the fishermen accept reductions in the going price of live lobster.

The Minister, in the circumstances, recommends:—

1. That the condition that the canner shall establish to the satisfaction of the Controller that not less than five and a quarter cents per pound has been paid to the fishermen be modified as follows:—

In case a canner transports live lobster to the cannery for a fisherman, from whatever distance, the minimum price to be paid by the canner to the fisherman for lobster so transported may be reduced by one-half cent a pound, namely, to four and three quarter cents per pound. Reductions also may be made in the minimum price to be paid the fisherman when boats, lobster traps and other equipment, fuel and food are furnished as aforesaid to the fisherman by the canner for the purposes of his lobster fishing, amounting in all to two and five-eighths cents per pound, the minimum prices to be paid in any such case being two and five-eighths cents per pound: Provided, however, that the Controller must be satisfied in the case of every purchase by him that the goods or services in question were actually furnished by the canner to the fisherman.

2. That the condition that not less than five and a quarter cents per pound shall have been paid for all live lobster purchased or acquired by the canner from the fishermen during the 1940 season be further modified to the effect that the canner shall only be obliged to satisfy the Controller that the minimum prices have been paid by him for the lobster actually contained in the cans to be purchased by the Controller.

3. That all purchases of canned lobster by the Controller be covered by affidavits to be made by the proprietors or managers of canneries in the form annexed hereto or to the like effect: Provided, however, that the Controller shall not be bound to accept such affidavit as conclusive evidence of the facts stated therein.

4. That, by virtue of the powers conferred by the War Measures Act and otherwise, the aforesaid alterations and modifications be made in the marketing project as authorized by Order in Council, P.C. 1702, dated May 1, 1940.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council ordering licences *re* export of canned lobster
be subject to approval of Controller

P.C. 2522

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 12th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of Fisheries reports that he has received the following representations from the Controller for Canned Lobster who is authorized to buy and sell canned lobster on behalf of the Government by Order in Council, P.C. 1702, May 1st, 1940.

1. That a large portion of the 1940 pack of canned lobster will be exported by the Lobster Controller and a lesser portion by the independent dealers who do not sell to the Controller.
2. That in order to extend existing export markets and to establish new ones, it is necessary to ensure an orderly system of marketing of a uniformly high grade of canned lobster.
3. That it is important that the export of canned lobster be controlled lest the small dealers who do not sell to the Controller attempt to export their portion of the pack in a way which will prejudice the orderly marketing system established by the Controller for the larger portion of the pack.
4. That exportation by small dealers in such a manner would make difficult the extension of existing markets or the proper development of new markets and would increase the difficulty of disposing of the larger portion of the pack by the Controller.
5. That as a result of this situation the primary producers of lobster for canning would suffer lack of sufficient demand for their product and consequent lowered prices.
6. That the lack of development of a demand for the product in foreign countries as the result of disorderly marketing in the absence of proper control would reduce the Canadian foreign currency credit balances.
7. That unless effective action is taken the full return of the capital appropriated by the Government for the purpose of intervention in the marketing of canned lobster in 1940 may not be made.

Now therefore His Excellency the Administrator in Council, on the recommendation of the Minister of Fisheries, and under and by virtue of the powers conferred by the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and otherwise, is pleased to order and it is hereby ordered that until further notice:—

- (a) licences granted under the Foreign Exchange Control Order for the export from Canada of canned lobster be withheld unless approved by the Controller for canned lobster, appointed under the authority of Order in Council P.C. 1702, of May 1, 1940, and further that
- (b) The Controller aforesaid be and he is hereby authorized to approve of such export licences only if he is satisfied that the terms and circumstances of the proposed exportation are not likely to be injurious to the marketing abroad of the Canadian canned lobster.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending Defence of Canada Regulations—
certain Italian organizations declared illegal

Canada Gazette, June 15, 1940

P.C. 2527

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 12th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas by regulation 39C of the Defence of Canada Regulations certain organizations were declared to be illegal, including any association, society, group or organization which the Governor in Council, by notice published in the *Canada Gazette*, declares to be an illegal organization;

And whereas the Minister of Justice reports that there are certain Italian organizations of a subversive character which it is considered should be declared illegal organizations;

Now therefore His Excellency the Administrator in Council, on the recommendation of the Minister of Justice and pursuant to the provisions of subparagraph (b) of paragraph (1) of regulation 39C of the Defence of Canada Regulations is hereby pleased to declare the following associations, societies, groups or organizations to be illegal organizations, namely:—

Italian Fascio Abroad (Fasci Italiani All'Estero);

O.V.R.A. Opere Volontarie Repressione Anti-Fascisto. (National Organization for the Repression of Anti-Fascism);

Dopolavoro, (After Work Organization);

Associazione Combattenti Italiani, (Italian War Veterans Association);

O.G.I.E. Organizzazioni Giovanili Degli Italiani All'Estero, (Italian Youth Organization Abroad); and

The Italian United Moral Front. (A combination of Italian and Italo-Canadian Societies in Montreal under the control of the Canadian Fascio).

His Excellency the Administrator in Council is further pleased to direct that a notice to the above effect be published in the *Canada Gazette*.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council establishing status of Canadian Military
and Air Forces in Iceland

P.C. 2581

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 14th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Acting Minister of National Defence reports that the presence in Iceland of Military and Air Forces of Canada on occasions when Military and Air Forces of the United Kingdom and of other parts of the British Commonwealth may also be present, makes it essential that the relationship and status of such Canadian Forces with that of the other Forces mentioned be established;

And whereas the Visiting Forces (British Commonwealth) Act, 1933, Chapter 21, of the Statutes of Canada, 1933, in so far as Canadian Forces are concerned, makes the necessary provision for the matters referred to above;

And whereas similar legislation exists with respect to the Forces of the United Kingdom, and those of certain other parts of the British Commonwealth;

And whereas subsections (4) and (5) of Section 6 of the said Act read as follows:—

(4) When a home force and another force to which this section applies are serving together, whether alone or not:

(a) any member of the other force shall be treated and shall have over members of the home force the like powers of command as if he were a member of the home force of relative rank; and

(b) if the forces are acting in combination, any officer of the other force appointed by His Majesty, or in accordance with regulations made by or by authority of His Majesty, to command the combined force or any part thereof, shall be treated and shall have over members of the home force the like powers of command and punishment, and may be invested with the like authority to convene, and confirm the findings and sentences of, courts martial as if he were an officer of the home force of relative rank and holding the same command.

(5) For the purposes of this section, forces shall be deemed to be serving together or acting in combination if and only if they are declared to be so serving or so acting by order of the Governor in Council, and the relative rank of members of the home forces and of other forces shall be such as may be prescribed by regulations made by His Majesty.

And whereas the Minister further reports that in respect of Canadian Military and Air Forces serving in Iceland the provisions of paragraph (a) of subsection (4) of the said Section 6 quoted above would have the effect of establishing their relationship and status with members of the Forces of the United Kingdom and of other parts of the British Commonwealth if, pursuant to subsection (5) of the said Section 6, the said Forces were declared to be serving together;

That in this connection, similar declarations with respect to the Forces of the United Kingdom and of other parts of the British Commonwealth which are present in Iceland would be required to be made under the legislation in such matters pertaining to the said Forces;

That it may be necessary for the Canadian Forces serving in Iceland to be acting in combination with the Forces of the United Kingdom and of other parts of the British Commonwealth, if the same are present in Iceland, and provision is made in paragraph (b) of subsection (4) of Section 6 of the said Visiting Forces (British Commonwealth) Act, 1933, for the exercise of command by the officer whom His Majesty appoints to command such combined Force;

That under subsection (5) of the said Section 6, the said Forces would only be deemed to be acting in combination if they were so declared by or under the authority of the Governor in Council;

That in the opinion of the Minister, it is desirable that such a declaration be made; and

That a similar declaration with respect to Forces of the United Kingdom and of other parts of the Commonwealth serving in Iceland would require to be made under the legislation in such matters pertaining to the said Forces;

Now therefore His Excellency the Administrator in Council, on the recommendation of the Acting Minister of National Defence, and pursuant to the provisions of The Visiting Forces (British Commonwealth) Act, 1933, Chapter 21 of the Statutes of Canada, 1933, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased to order and doth hereby order and declare—

1. That all Military and Air Forces of Canada present in Iceland serve together therein with the Military and Air Forces of the United Kingdom, and with the Military and Air Forces of any other part of the British Commonwealth present in Iceland; and

2. That, in respect of any Military and Air Forces of Canada serving in Iceland, those parts thereof as may from time to time be detailed for that purpose by the appropriate Canadian Service Authorities as from time to time designated by the Minister of National Defence, shall act in combination with those Forces of the United Kingdom and of other parts of the British Commonwealth present in Iceland to which the same have been so detailed.

His Excellency the Administrator in Council, for the purpose of giving effect to the provisions of subsection (2) of Section 6 of The Visiting Forces (British Commonwealth) Act, 1933, is hereby further pleased, under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, to authorize the appropriate Canadian Service Authorities to take such action as may be necessary to effect the attachment of members of the Military and Air Forces of the United Kingdom and of other parts of the British Commonwealth present in Iceland to the Military and Air Forces of Canada, and vice versa.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing trade mark "Canada Brand" applied to
canned lobster registered in the name of the
Minister of Fisheries

P.C. 2597

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 17th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of Fisheries reports that he is advised by the Controller for Canned Lobster, appointed under authority of P.C. 1702, May 1st, 1940, that in the marketing of canned lobster, as provided for by the said Order, it is desirable to make use of a trade-mark, or brand, to designate the goods which are offered for sale, and to have such trade-mark registered under the Unfair Competition Act, 1932, and that the Controller is further of the opinion that the words "Canada Brand" would be most suitable for the proposed use and registration.

Therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Fisheries, and under and by virtue of the powers conferred by the War Measures Act, Chapter 206, R.S.C., 1927, and otherwise, is hereby pleased to authorize:—

- (a) The Controller for Canned Lobster appointed under the authority of Order in Council P.C. 1702, of May 1st, 1940, to make application to have the trade-mark "Canada Brand" as applied to canned lobster, registered in the name of the Minister of Fisheries.
- (b) The Registrar of Trade Marks to effect such registration notwithstanding anything to the contrary in the Unfair Competition Act, 1932.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing Proclamation restricting
commerce of Italy

P.C. 2637

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 18th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas His Majesty the King has authorized the proclamation of the existence of a state of war between Canada and Italy as and from the tenth day of June, 1940;

And whereas by an Order in Council, P.C. 4075, dated the 8th day of December, 1939, it was directed that certain measures should be taken against the commerce of Germany as an act of retaliation against violations of laws and customs of war, the rights of neutrals and the obligations of humanity, committed by the German Government and recited in the said Order in Council;

And whereas the Secretary of State for External Affairs reports that these violations have continued and are evidently a part of the settled method of waging war which Germany has adopted;

That Italy, by her action, has associated herself with Germany in the present war and has thereby made herself a party to the method of waging war adopted by Germany and will share in any advantages derived therefrom;

That the commerce of Italy will equally with that of Germany be employed to further the common cause of enemies of Canada; and

That these facts give to His Majesty the King in respect of Canada unquestionable right to apply to the commerce of Italy measures similar to those taken against that of Germany.

Therefore His Excellency the Administrator in Council, on the recommendation of the Secretary of State for External Affairs, is pleased to order and doth hereby order as follows:

1. Subject to the substitution of the fourth day of June, 1940, for the fourth day of December, 1939, as stated in paragraphs 1 and 2 thereof, the Order in Council P.C. 4075, dated 8th day of December, 1939, shall apply for restricting the commerce of Italy in the same manner as it applies for the restricting of the commerce of Germany.
2. A Proclamation to the above effect shall be published in the *Canada Gazette*.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Canada Gazette (Extra) June 21, 1940

PROCLAMATION

L. P. DUFF,
Administrator.
[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To ALL TO WHOM these Presents shall come or whom the same may in anywise concern,

GREETING:

A PROCLAMATION

W. STUART EDWARDS,
Deputy Minister of
Justice, Canada

Whereas We have authorized the proclamation of the existence of a state of war between Canada and Italy as and from the tenth day of June, 1940.

And Whereas by Order in Council, P.C. 4075, dated the eighth day of December, 1939, it was directed that certain measures should be taken against the commerce of Germany as an act of retaliation against violations of laws and customs of war, the rights of neutrals and the obligations of humanity, committed by the German Government and recited in the said Order in Council.

And Whereas these violations have continued and are evidently a part of the settled method of waging war which Germany has adopted.

And Whereas Italy, by her action, has associated herself with Germany in the present war and has thereby made herself a party to the method of waging war adopted by Germany and will share in any advantages derived therefrom.

And Whereas the commerce of Italy will equally with that of Germany be employed to further the common cause of enemies of Canada.

And Whereas these facts give to Us in respect of Canada unquestionable right to apply to the commerce of Italy measures similar to those taken against that of Germany.

And Whereas Our Administrator in Council has ordered that a Proclamation be issued accordingly and published forthwith in the *Canada Gazette*.

Now Know Ye that by and with the advice of Our Privy Council for Canada and pursuant to the powers vested in Us by the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, We do by this Our Proclamation declare and direct that subject to the substitution of the fourth day of June, 1940, for the fourth day of December, 1939, as stated in paragraphs 1 and 2 of Our Proclamation published in an Extra of the *Canada Gazette* on the twenty-seventh day of May, 1940, the Order in Council P.C. 4075, dated the eighth day of December, 1939, shall apply for restricting the commerce of Italy in the same manner as it applies for the restricting of the commerce of Germany.

Of All Which Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved Counsellor the Right Honourable SIR LYMN POORE DUFF, a member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Chief Justice of Canada and Administrator of the Government of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this eighteenth day of June, in the year of Our Lord one thousand nine hundred and forty and in the Fourth year of Our Reign.

By Command,

W. P. J. O'MEARA,

Acting Under-Secretary of State.

Order in Council prohibiting licences for export of fish liver, fish oils, fish liver oils and fish visceral oils

Canada Gazette, June 29, 1940

P.C. 2666

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 20th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas the Minister of Labour reports that he has received representations from the Wartime Prices and Trade Board to the effect:

1. That fish oils having a vitamin content may, when fortified with vitamins A and D, be substituted for cod liver oil in the manufacture of feeding oils;
2. That Canada is deficient in the production of fish oils having a high vitamin content;
3. That the export demand for the limited production of fish livers, which have a high vitamin content, is extremely keen;
4. That in these circumstances, continuance of unrestricted export from Canada of such livers, will endanger the supply of vitamins necessary to meet the demands of Canadian consumers;

That he has received from the Wartime Prices and Trade Board, a recommendation to the effect that until further notice the export from Canada of fish livers, fish oils, fish liver oils and fish visceral oils should be subject to regulation and restriction.

Now, Therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Labour and under the authority of the War Measures Act, Chapter 206, R.S.C. 1927, is pleased to order and it is hereby ordered that licenses for the export from Canada of fish livers, fish oils, fish liver oils and fish visceral oils be withheld unless approved by the Wartime Prices and Trade Board.

(Sgd.) A. D. P. HEENEY

Clerk of the Privy Council.

Order in Council amending Defence of Canada Regulations—control and management of all properties of illegal organizations

Canada Gazette June 29, 1940

P.C. 2667

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 20th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas by regulation 39C of the Defence of Canada Regulations as made by Order in Council P.C. 2363 of the 4th June, 1940, provision is made for declaring certain associations, societies, groups or organizations to be illegal organizations;

And whereas it is considered desirable that provision should be made for the control and management of all properties of such illegal organizations;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Justice and pursuant to the provisions of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend the Defence of Canada Regulations made by Order in Council P.C. 2483 of the 3rd September, 1939, and they are hereby amended by adding to regulation 39C as paragraph (4) the following:—

(4) (a) All property, rights and interests in Canada belonging to any illegal organization shall be vested in and be subject to the control and management of the Custodian, as defined in the Regulations respecting Trading with the Enemy, 1939.

(b) Subject as hereinafter provided, and for the purpose of the control and management of such property, rights and interests by the Custodian, the Regulations respecting Trading with the Enemy, 1939, shall apply *mutatis mutandis* to the same extent as if such property, rights and interests belonged to an enemy within the meaning of the said Regulations.

(c) The property, rights and interests so vested in and subject to the control and management of the Custodian, or the proceeds thereof, shall on the termination of the present war be dealt with in such manner as the Governor in Council may direct.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending Defence of Canada Regulations "Technocracy Inc." declared an illegal organization

Canada Gazette (Extra), June 20, 1940

P.C. 2682

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 20th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

Whereas by regulation 39C of the Defence of Canada Regulations certain organizations were declared to be illegal, including any association, society, group or organization which the Governor in Council, by notice published in the *Canada Gazette*, declares to be an illegal organization;

And whereas the Minister of Justice reports that there is an organization known as "Technocracy Inc." which is considered to be of a subversive character and which should be declared an illegal organization.

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Justice and pursuant to the provisions of sub-paragraph (b) of paragraph (1) of regulation 39C of the Defence of Canada Regulations, is hereby pleased to declare Technocracy Inc. to be an illegal organization.

His Excellency the Administrator in Council is further pleased to direct that a notice to the above effect be published in the *Canada Gazette*.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

PRIVY COUNCIL

NOTICE

Notice is hereby given that by Order in Council P.C. 2682 of the 20th day of June, 1940, passed pursuant to the provisions of regulation 39C of the Defence of Canada Regulations, Technocracy Inc. has been declared to be an illegal organization.

A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing regulations of labour conditions during the war

Canada Gazette, June 29, 1940.

P.C. 2685

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Administrator on the 19th June, 1940.

The Committee of the Privy Council have had before them a report, dated June 15, 1940, from the Minister of Labour, representing as follows:—

The Government has received from representative bodies of industry and of labour expressions of their desire to co-operate with the Government in the present crisis to the end that the industrial capacity of Canada requisite to the successful prosecution of the war may be utilized to the fullest possible extent.

The establishment and maintenance of good relations between firms engaged in the execution of war contracts and the production of necessary materials therefor and their workpeople is of the utmost importance at this time, and the same is true indeed of the operations of distributive agencies and of services required to meet the needs of the civil population. In wartime the safety of the nation must be the first consideration of all patriotic citizens and no element in the community can be permitted to benefit from wartime necessities. The best interests of inquiry and labour are inseparable and since organized society alone makes possible industrial production to the mutual benefit of those engaged therein, the needs of the community at large, especially under war conditions, must be regarded as paramount.

The development of Canada's war effort has not been hampered to date by the occurrence of any serious labour troubles, and means have happily been found, through negotiation, conciliation and enquiry, of dealing effectively with any disputes as to wage rates and working hours which have arisen. While the causes of industrial unrest have not thus far arisen from the war they might well be accentuated by it. It is clear that any differences that might arise would extend beyond wage scales or hours of labour and include the right of association in labour bodies and the right of organized workpeople to enter into collective agreements through which they may be expected to exercise a more organic influence on the process of industrial life; all of them aspirations which, under wise direction, will make for the removal of prejudice and for fuller co-operation between employers and employed. Statutory provisions have been made since the outbreak of hostilities to obviate the making of undue profits on war work, and the operation of the Wartime Prices and Trade Board is designed to safeguard the interests of the consuming public against undue enhancement of the prices of the necessities of life.

The policy is re-affirmed which was previously announced by the Prime Minister of Canada, that the full weight of the Government's power will be exerted to prevent the exploitation of wartime needs by any form of profiteering.

It would conduce to the removal of misunderstanding and to the extension of common interests and national purpose were a declaration to be made by the Government at this time of certain principles for the regulation of labour conditions during the war, the acceptance of which by employers and workpeople would make for the avoidance of industrial strife and the utmost acceleration possible in the production which is so essential in present circumstances.

The Committee, on the recommendation of the Minister of Labour, advise, with respect to the foregoing, that the following principles for the avoidance of labour unrest during the war be approved:—

1. That every effort should be made to speed production by war industries;
2. That fair and reasonable standards of wages and working conditions should be recognized and that where any temporary adjustments in remuneration are made, due to war conditions, they might well be in the form of bonus payments;
3. That hours of work should not be unduly extended but that where increased output is desired it should be secured as far as practicable by the adoption of additional shifts throughout the week, experience during the last war having shown that an undue lengthening of working hours results in excessive fatigue and in a diminution of output;
4. That established safeguards and regulations for the protection of the health and safety of the workers should not be relaxed, but that every precaution should be taken to ensure safe and healthful conditions of work;
5. That there should be no interruption in productive or distributive operations on account of strikes or lockouts. Where any difference arises which cannot be settled by negotiation between the parties, assistance in effecting a settlement should be sought from the Government conciliation services, and failing settlement of the difference in this manner, it should be dealt with in accordance with the provisions of the Industrial Disputes Investigation Act, which has been extended under the War Measures Act to apply specifically to all war work;
6. That employees should be free to organize in trade unions, free from any control by employers or their agents. In this connection, attention is directed to Section 11 of the provisions of Chapter 30, 3 George VI, an Act to Amend the Criminal Code, under which it is declared to be an offence, subject to prescribed penalties, for any employer or his agent wrongfully and without lawful authority to refuse to employ, or to dismiss from employment, any person because of his membership in a lawful trade union, or to use intimidation to prevent a workman from belonging to a trade union, or to conspire with other employers to do either of such acts;
7. That employees, through the officers of their trade union or through other representatives chosen by them, should be free to negotiate with employers or the representatives of employers' associations concerning rates of pay, hours of labour and other working conditions, with a view to the conclusion of a collective agreement;
8. That every collective agreement should provide machinery for the settlement of disputes arising out of the agreement, and for its renewal or revision, and that both parties should scrupulously observe the terms and conditions of any agreement into which they have entered;

9. That workers, in the exercise of their right to organize, should use neither coercion nor intimidation of any kind to influence any person to join their organization;
10. That any suspension which may be made of labour conditions established by law, agreement or usage, requisite to the speeding of wartime production, should be brought about by mutual agreement and should be understood as applying only for the period of emergency.

The foregoing declaration by the Government of principles for the regulation of labour conditions during the war is necessarily subject to the provisions of any enactment by the Parliament of Canada or made under its authority for the purpose of meeting any special emergency whereby the national safety of Canada has become endangered.

The Committee further advise that the attention of employers in meeting their requirements as to labour supply be drawn to the available facilities of the local offices of the Employment Service of Canada in all of the provinces, where thousands of skilled and semi-skilled workers whose training and experience qualify them for war work and employment in industry generally have already been registered, and that advantage be taken of this service to the fullest possible extent.

Many employers have established contacts with trade unions in meeting their requirements as to labour supply, and the Minister of Labour is of opinion that the more general adoption of this practice would assist in the avoidance of unnecessary labour shortage.

All of which is respectfully submitted for approval.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council establishing the National Labour Supply Council

Canada Gazette June 29, 1940

P.C. 2686

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 19th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE ADMINISTRATOR IN COUNCIL:

His Excellency the Administrator in Council, in view of the circumstances set out in the Minute of Council P.C. 2685 of 19th June, 1940, setting out certain principles for the regulation of labour conditions during the war, the acceptance of which by employers and workpeople would make for the avoidance of industrial strife and the utmost acceleration possible in production which is so essential in present circumstances, is pleased, on the recommendation of the Minister of Labour, to establish and doth hereby establish a body, to be known as The National Labour Supply Council, to advise on any matters touching labour supply for industry which may be referred to it by the Minister of Labour, the said Council to be composed of five representatives of Industry and an equal number of representatives of Labour, chosen in consultation with the most representative organizations of Industry and Labour respectively, and an impartial Chairman, to be appointed on recommendation of the Minister of Labour.

His Excellency in Council is hereby further pleased to grant authority for the payment of any necessary transportation and living expenses of the members of The National Labour Supply Council, and of the salaries of such officers, clerks and employees as may be necessary, the same to be chargeable to the appropriations for war measures.

His Excellency in Council is also pleased to direct that The National Labour Supply Council report from time to time to the Minister of Labour.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council establishing Wartime Industries Control Board

P.C. 2715

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 24th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Department of Munitions and Supply Act gives authority to the Minister of Munitions and Supply (among other things) to organize the sources of supply of munitions of war and supplies and the agencies available for the supply of the same and generally to take steps to mobilize, conserve and co-ordinate the economic and industrial facilities of Canada available in respect of munitions and supplies for the effective prosecution of the present war;

And whereas the Minister of Munitions and Supply reports that to enable him to carry out the duties imposed on him by the said Act, it is and will be necessary, inter alia, from time to time to appoint controllers with the necessary powers to conserve, co-ordinate, restrict and regulate, certain essential supplies, and that it would be advisable that such controllers, as and when appointed, should act in respect to common problems along similar lines and in conjunction with the Foreign Exchange Control Board, and should for such purposes be constituted as a Board.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply, and pursuant to the provisions of the Department of Munitions and Supply Act and the provisions of the War Measures Act, is pleased to order and doth hereby order as follows:—

1. There shall be a Wartime Industries Control Board, to consist of the controllers from time to time appointed by the Governor in Council on the recommendation of the Minister of Munitions and Supply.
2. Such controllers forthwith upon their appointment as such shall automatically be and become members of the said Board.
3. The said Board shall have its headquarters in Ottawa and shall meet from time to time at the call of the Chairman or Secretary thereof.
4. The said Board shall forthwith proceed to select a chairman from among its members and make and establish regulations with respect to its organizations, the procedure to be adopted by it, and the conduct of its meetings.
5. The said Board shall be responsible to and from time to time shall report to the Minister of Munitions and Supply.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing regulations respecting timber—
H. R. MacMillan, Controller

P.C. 2716

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 24th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under and by virtue of the Department of Munitions and Supply Act, the Minister of Munitions and Supply has, among other duties, the duties of organizing the sources of supply of munitions of war and other supplies and the agencies available for the supply of the same and of mobilizing, conserving and co-ordinating the economic and industrial facilities available in respect of munitions and supplies for the effective prosecution of the present war;

And whereas it is deemed necessary to conserve, co-ordinate and regulate the timber resources and industry of Canada in order to fulfil the present and potential needs of Canada and her allies, and, the more effectually so to do, to appoint a Timber Controller with the powers hereinafter set forth;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply, and pursuant to the powers conferred on the Governor in Council by The Department of Munitions and Supply Act and by The War Measures Act, Chapter 206, R.S.C. 1927, is pleased to appoint and doth hereby appoint Harvey Reginald MacMillan, Esquire, of the City of Vancouver, in the Province of British Columbia, Timber Controller.

His Excellency in Council, on the same recommendation and under the above cited authority, is pleased to make the following Regulations Respecting Timber and they are hereby made and established accordingly,—

REGULATIONS RESPECTING TIMBER

1. For the purpose of these regulations

- (a) "Minister" shall mean the Minister of Munitions and Supply;
- (b) "Timber" shall mean and include trees standing or felled or in process of conversion into sawn or planed lumber and such lumber;
- (c) "Timber Controller" shall mean the person from time to time appointed as such by the Governor in Council.

2. The Timber Controller shall have power:—

- (a) To buy, take possession of, expropriate or otherwise acquire, process, finish, store, transport, allocate, distribute, sell, exchange or otherwise dispose of and generally to deal in timber;
- (b) To enter on any land for the purpose of inspecting any timber and to take possession of such timber;
- (c) To enter on and take possession of any land or buildings for the purpose of felling, converting, storing or removing timber, or for any purpose connected therewith and to fell, convert, process, store, and remove timber;
- (d) To enter on and take possession of any land, buildings or premises, and to take possession of any plant, used or capable of being used for

the felling, storing, processing or converting of timber, and to take possession of any vehicles, locomotives, or animals required for the transport of timber or such plant as aforesaid, for any purpose in connection therewith and to use any water supply or motive power available for any of the purposes aforesaid;

- (e) To provide housing accommodation for workmen employed for any purpose aforesaid by taking possession of any land or unoccupied premises or by construction;
- (f) Subject to the approval of the Minister, from time to time to fix maximum prices or maximum markups at which any timber shall be sold or offered for sale for purposes other than fuel;
- (g) Subject to the approval of the Minister, from time to time, to fix or limit the quantities of any timber which may be sold or distributed by or to any person, firm or corporation within prescribed periods of time for purposes other than fuel and to prohibit sale or distribution in excess of the quantities so fixed or limited;
- (h) To give directions to any person, firm or corporation owning or having possession of or control of or power to dispose of any Timber requiring such person, firm or corporation to sell, process, finish, store, transport or otherwise deal with such Timber in such manner as may be specified in such directions and, in priority to the other business of such person, firm or corporation or otherwise as may be specified in such directions; and no such person, firm or corporation shall be under any liability, contractual or otherwise, to any person who may have or claim an interest in such Timber, by reason of complying with such directions.
- (i) To issue permits or licences to any person, firm or corporation to buy, sell or otherwise deal in timber for purposes other than fuel and to suspend, cancel or refuse to issue any such permit or licence whenever the Timber Controller deems it in the public interest so to do and, subject to the approval of the Minister, to fix the fees payable for the issue of such permits and licences and to prescribe the manner, procedure, terms and conditions under which such permits and licences shall be obtained;
- (j) To prohibit persons, firms and corporations from felling, converting, processing, acquiring, disposing of, transporting, exporting, importing or otherwise dealing with or in timber for purposes other than fuel, without permit or licence of the Timber Controller;
- (k) To require any person, firm or corporation owning, or having power to dispose of or being in possession of or dealing in any timber, to produce to any person authorized for the purpose by the Timber Controller in writing, any specified books or documents and to permit the person so authorized to make copies of or extracts from any such books and documents and, when the Timber Controller deems it necessary, to remove any such books and documents;
- (l) To require from time to time any person, firm or corporation felling, processing, storing, importing or dealing in timber to furnish in such form and within such time as the Timber Controller may prescribe, written returns under oath or affirmation providing such information as the Timber Controller may deem necessary;
- (m) Subject to the approval of the Governor in Council to advance money to any person, firm or corporation in the business of felling, converting or processing timber for the purpose of assisting such person, firm or corporation in the carrying on of such business;

3. If the Timber Controller takes possession of any timber or any other real or personal property, the consideration to be paid in respect thereof in default of agreement, shall be such, in the case of timber, as is prescribed by the Timber Controller with the approval of the Minister, and in the case of other property shall be such as is determined by the Exchequer Court on a reference by the Minister.

4. Any person who contravenes or fails to observe any regulation or any prohibition, permit, licence or requirement of the Timber Controller or who, in any manner, hinders or obstructs the Timber Controller in the exercise of his powers, shall be guilty of an offence under the Department of Munitions and Supply Act.

His Excellency in Council is further pleased to direct,—

(1) That the said Harvey Reginald MacMillan as such Timber Controller shall receive his actual out of pocket expenses in connection with the duties aforesaid;

(2) That there be paid to the Timber Controller from time to time such working capital as may be required to enable the Timber Controller to carry out the powers aforesaid;

(3) That there be paid to the Timber Controller the administration expenses incurred by him in the exercise of the powers aforesaid, including travelling expenses of any person acting under his authority.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing regulations respecting
steel—H. D. Scully, Controller**

P.C. 2742

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 24th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under and by virtue of The Department of Munitions and Supply Act, the Minister of Munitions and Supply has, among other duties, the duties of organizing the resources of Canada contributory to and the sources of supply of munitions of war and supplies and the agencies available for the supply of the same and of mobilizing, conserving and co-ordinating the economic and industrial facilities available in respect of munitions and supplies for the effective prosecution of the present war;

And whereas it is deemed necessary to conserve, co-ordinate and regulate the steel resources and industry of Canada in order to fulfil the present and potential needs of Canada and her Allies, and for such purpose to appoint a Steel Controller with the powers hereinafter set forth;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply and pursuant to the powers conferred on the Governor in Council by The Department of Munitions and Supply Act and by The War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to appoint and doth hereby appoint Hugh Day Scully, Esquire, of the City of Ottawa, in the Province of Ontario, Steel Controller.

His Excellency in Council, on the same recommendation and under the above cited authority is pleased to make the following Regulations respecting Steel and they are hereby made and established accordingly:—

REGULATIONS RESPECTING STEEL

1. For the purpose of these regulations,
 - (a) "Minister" shall mean the Minister of Munitions and Supply;
 - (b) "Steel" shall mean and be deemed to include iron ore of any kind, pig-iron, scrap metal, and any raw materials or metals which go into the making of or are used to modify the qualities of steel, and, without limiting the generality of the foregoing, shall include any piece of iron metal bearing not less than half of one per cent and not more than two and one-half per cent of carbon;
 - (c) "Steel Controller" shall mean the person from time to time appointed as such by the Governor in Council.
2. The Steel Controller shall have power:
 - (a) To buy, take possession of, or otherwise acquire, manufacture, process, fabricate, machine, finish, store, transport, allocate, distribute, sell, exchange, or otherwise dispose of and generally to deal in steel;
 - (b) To enter any plant, factory or building for the purpose of inspecting any steel;
 - (c) To take possession of steel, wherever found;
 - (d) To enter and take possession of any land, buildings or premises and to take possession of any plant, used or capable of being used for making, processing, finishing or storing steel;
 - (e) Subject to the approval of the Minister, to fix maximum prices or maximum mark-ups at which steel may be sold or offered for sale;
 - (f) Subject to the approval of the Minister to fix or limit the quantity of steel which may be sold or distributed by or to any person, firm or corporation within specified periods of time and to prohibit the sale or distribution in excess of the quantities so fixed or limited;
 - (g) To give directions to any person, firm or corporation owning or having possession of or control of or power to dispose of any steel requiring such person, firm or corporation to sell, process, finish, store, transport, or otherwise deal with such steel in such manner as may be specified in such directions, and in priority to any other business of such person, firm or corporation or otherwise as may be specified in such directions; Where directions are given to any person, firm or corporation as herein provided, then the compensation if any, to be paid shall be such as may be agreed upon between such person, firm or corporation and the Minister or, in default of agreement, the claim for compensation shall be referred to the Exchequer Court.
 - (h) To issue permits or licences to any person, firm or corporation to buy, sell or otherwise deal in steel, and to suspend, cancel or refuse to issue any such permit or licence whenever the Steel Controller deems it in the public interest so to do, and subject to the approval of the Minister, to fix the fees payable for the issue of such permits and licences and prescribe the manner, procedure, terms and conditions under which such permits and licences shall be obtained;
 - (i) To prohibit any person, firm or corporation from buying, selling, transporting, exporting, importing or otherwise dealing with or in steel unless licensed by the Controller;

- (j) To prohibit the construction or the making of any structural change or addition to any building, factory or plant used or to be used for manufacturing, processing, fabricating, machining, finishing or storing steel without a permit;
- (k) To regulate the type or grade of steel to be manufactured, processed, fabricated, machined, finished or stored in any building, factory or plant;
- (l) To require any person, firm or corporation owning or having power to dispose of or being in possession of any steel or any of its components, to produce to any person authorized for the purpose by the Steel Controller in writing, any specified books or documents and to permit the person so authorized to make copies of or extracts from any such books and documents and, when the Steel Controller deems it necessary, to remove any such books and documents;
- (m) To require from time to time any person, firm or corporation dealing in steel or any of its components to furnish in such form and within such time as the Steel Controller may prescribe, written returns under oath or affirmation showing such information as the Steel Controller may deem necessary;
- (n) Subject to the approval of the Governor in Council, to advance moneys to any person, firm or corporation in the business of processing iron ores into pig-iron, and pig-iron scrap metals or any other raw materials into steel for the purpose of assisting such person, firm or corporation in the carrying on of such business.

3. If the Steel Controller takes possession of any steel or any other real or personal property, the consideration to be paid in respect thereof, in default of agreement, shall be such, in the case of steel, as is prescribed by the Steel Controller with the approval of the Minister, and, in the case of other property, shall be such as is determined by the Exchequer Court on a reference thereto by the Minister.

4. Any person who contravenes or fails to observe any regulation or any prohibition, permit, licence or requirement of the Steel Controller, or who, in any manner, hinders or obstructs the Steel Controller in the exercise of his powers, shall be guilty of an offence under The Department of Munitions and Supply Act.

His Excellency in Council is further pleased to direct,—

- (1) That the said Hugh Day Scully as such Steel Controller shall receive his actual out of pocket expenses in connection with his duties aforesaid;
- (2) That there be paid to the Steel Controller from time to time such working capital as may be required to enable the Steel Controller to carry out the powers aforesaid;
- (3) That there be paid to the Steel Controller the administration expenses incurred by him in the exercise of the powers aforesaid, including travelling expenses of any person acting under his authority.

(Sgd) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending Masters and Mates Regulations
due to war conditions

Canada Gazette, July 6, 1940

P.C. 2753

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 25th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Transport reports that it is considered that service performed by commissioned officers in the Royal Canadian Naval Reserve and by other persons engaged in His Majesty's ships or in any ships employed in the Canadian Naval Service during the present war, should be accepted as qualifying service for examination for Masters' and Mates' certificates in Canada, in proportions other than those provided in the current Canadian Rules and Regulations governing the examination of Masters and Mates in the Mercantile Marine for Foreign-Going Certificates of Competency, as made, adopted and established by Order in Council, P.C. 2868, dated the 5th day of November, 1936.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, and pursuant to the provisions of the War Measures Act, is pleased to make the following Regulation, governing the rules for estimating sea service in the Canadian Regulations relating to the examination of masters and mates in the mercantile marine for foreign-going certificates of competency, and it is hereby made and established accordingly.

EXAMINATIONS FOR CERTIFICATES OF COMPETENCY

TEMPORARY MODIFICATIONS IN THE CANADIAN MASTERS' AND MATES' REGULATIONS
DUE TO WAR CONDITIONS

1. Ships on War Service.

- (a) Service afloat during the war in H.M. ships or in any ships taken up for Navy, Army or Air Force requirements will be accepted in full (subject to the ordinary conditions laid down in the Canadian Masters' and Mates' Regulations) as qualifying sea service for purposes of examinations of masters and mates. Where, however, a vessel such as a depot ship or hospital ship has spent prolonged periods in port or at anchor, the service of officers on those vessels will be considered on merits.
- (b) Service in fishing boats employed on Naval Service will similarly be accepted as sea service for purposes of examinations.

2. R.C.N.R. Service.

- (a) The Department of Transport cannot undertake to accept the whole or any definite proportion of service in the Royal Canadian Naval Reserve not being qualifying service in accordance with the Canadian Masters' and Mates' Regulations but they will be prepared to consider sympathetically an application for examination from a candidate who has been prevented by his service in the Royal Canadian Naval Reserve from complying fully with the Masters' and Mates' Regulations. This may be taken as applying to service with a foreign-going mate's or second mate's certificate but in a rank below that of Acting Sub-Lieutenant.

- (b) Members of the Royal Canadian Naval Reserve who are prevented by the exigences of war service from presenting themselves for examination in completion of the period of qualifying service required by the Masters' and Mates' Regulations, will be allowed to count time served after the completion of that qualifying period towards the qualifying period for higher certificates. Such persons will be expected to take as soon as possible the examination for which they are qualified to sit.

3. Age Limit.

During the war, candidates will be permitted to sit for the second mate's (foreign-going) and mate's (home-trade) examinations at the age of 19, if they have completed their qualifying service.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council

Order in Council amending Defence of Canada Regulations—Committee empowered to administer oaths and summon witnesses

Canada Gazette, July 6, 1940

P.C. 2763

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 25th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports that it has been represented to him that any Committee appointed under the provisions of Regulation 22 of the Defence of Canada Regulations should be empowered to administer oaths and to summon witnesses and for this purpose to have all the powers of a Commissioner under Part I of the Inquiries Act.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under and by virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend and doth hereby amend Regulation 22 of the Defence of Canada Regulations by adding thereto, immediately after paragraph (3) thereof, the following as paragraphs (4) and (5):—

- (4) A committee appointed under the provisions of this Regulation may administer oaths and may receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it may deem fit and proper.
- (5) A committee shall have all the powers and authority of a Commissioner appointed under Part I of the Inquiries Act, Chapter 99 of the Revised Statutes of Canada, 1927.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing regulations respecting oil—
G. R. Cottrelle, Controller

P.C. 2818

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 28th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under and by virtue of The Department of Munitions and Supply Act, the Minister of Munitions and Supply has, among other duties, the duties of organizing the resources of Canada contributory to and the sources of supply of munitions of war and supplies and the agencies available for the supply of the same and of mobilizing, conserving and co-ordinating the economic and industrial facilities available in respect of munitions and supplies for the effective prosecution of the present war;

And whereas it is deemed necessary to conserve, co-ordinate and regulate the oil and petroleum resources and industry of Canada, in order to fulfil the present and potential needs of Canada and her Allies and for such purpose to appoint an Oil Controller with the powers hereinafter set forth;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply and pursuant to the powers conferred by The Department of Munitions and Supply Act and by The War Measures Act, is pleased to appoint and doth hereby appoint George Richardson Cottrelle, Esquire, of the City of Toronto, in the Province of Ontario, as Oil Controller.

His Excellency in Council, on the same recommendation and under the above cited authority, is pleased to make the following regulations respecting oil and they are hereby made and established accordingly:—

REGULATIONS RESPECTING OIL

- (1) For the purpose of these Regulations,
 - (a) "Minister" shall mean the Minister of Munitions and Supply;
 - (b) "Oil" shall mean and be deemed to include crude oil, petroleum, lubricating oil, fuel oil, gasoline, kerosene, naphtha, asphalt, bitumen and all derivatives therefrom and by-products thereof; also all chemicals, minerals, products and materials required for the production, processing or refining of any oil or petroleum or any of the derivatives therefrom or by-products thereof;
 - (c) "Oil Controller" shall mean the person from time to time appointed as such by the Governor in Council.
- (2) The Oil Controller shall have power,
 - (a) To buy, take possession of, or otherwise acquire, mine, drill for, produce, process, refine, store, transport, allocate, distribute, sell, exchange or otherwise dispose of and generally to deal in oil;
 - (b) To enter on any land and into any plant, factory, building or place for the purpose of inspecting oil;
 - (c) To enter on, take possession of and utilize any land, plant, refinery, storage tank, factory or building, used or capable of being used for mining, drilling for, producing, processing, refining or storing of oil

and to take possession of any vehicles, tank vessels, tank cars, tank trucks, locomotives or other means of transportation required for any purposes in connection with the operation of the aforesaid plant, refinery, storage tank, factory or building or the transportation of oil;

- (d) To take possession of any oil wherever found;
- (e) Subject to the approval of the Minister from time to time, to fix maximum prices or maximum mark-ups at which oil may be sold or offered for sale;
- (f) Subject to the approval of the Minister from time to time, to fix or limit the quantity of oil which may be bought, sold, or distributed by or to any person, firm or corporation within specified periods of time and to prohibit the sale or distribution in excess of the quantities so fixed or limited;
- (g) To issue and reissue permits and licences to any person, firm or corporation, buying, selling, mining, drilling for, producing, processing, refining, storing, transporting, importing, exporting or in any way dealing in oil, and to suspend, cancel or refuse to issue any such permit or licence wherever the Controller deems it to be in the public interest to do so and subject to the approval of the Minister, to fix the fees payable for the issue of such permits and licences and to prescribe the manner, procedure, terms and conditions under which such permits and licences shall be obtained;
- (h) To prohibit any or every person, firm or corporation from buying, selling, mining, drilling for, producing, processing, refining, storing, transporting, exporting, importing or otherwise dealing with or in oil unless licensed by the Controller;
- (i) To prohibit the construction of or the making of any structural change or addition to any building, factory, still or plant used or to be used for mining, drilling for, producing, processing, refining, storing or otherwise dealing with oil;
- (j) To construct or make any structural change or addition to any plant, refinery, storage tank, factory or building for the purpose of or to be used in any way in connection with mining, drilling for, producing, processing, refining, or storing oil;
- (k) To regulate the type or grade of oil to be mined, drilled for, produced, processed, refined, stored, transported, exported, imported or otherwise dealt with by any or every person, firm or corporation;
- (l) To give directions to any person, firm or corporation owning or having power to dispose of or being in possession of oil to produce to any person, authorized for the purpose by the Controller in writing, any specified books or documents and to permit the person so authorized to make copies of or take extracts from any such books or documents, and when the Controller deems necessary, to remove any such books or documents;
- (m) To require from time to time any person, firm or corporation owning or having power to dispose of or being in possession of oil to furnish in such form and within such time as the Controller may prescribe written returns under oath or affirmation showing such information as the Controller may deem necessary;
- (n) To require any person, firm or corporation owning or having power to dispose of or being in possession of or having power to mine, drill for, produce, process, refine, store or transport oil, to mine, drill for, produce, process, refine, store, transport, sell, dispose of or otherwise

deal with such oil in such manner as may be specified, and in priority to any other business of such person, firm or corporation or otherwise as may be specified, provided that the compensation, if any, to be paid shall, in default of agreement between such person, firm or corporation and the Minister be determined by the Exchequer Court on a reference thereto by the Minister;

- (o) Subject to the approval of the Governor in Council, to advance moneys to any person, firm or corporation engaged in the business of mining, drilling for, producing, processing, refining, storing or transporting oil for the purpose of assisting such person, firm or corporation in the carrying on of such business;
- (3) If the Oil Controller takes possession of any oil or any other real or personal property, the consideration to be paid in respect thereof in default of agreement, shall be such in the case of oil, as is prescribed by the Oil Controller with the approval of the Minister and in the case of other property, shall be such as is determined by the Exchequer Court on a reference thereto by the Minister.
- (4) Any person, firm or corporation who contravenes or fails to observe any regulation or any prohibition, permit, licence or requirement of the Oil Controller or who or which in any manner, hinders or obstructs the Oil Controller in the exercise of any of his powers, shall be guilty of an offence under The Department of Munitions and Supply Act.

His Excellency in Council is hereby further pleased to direct that there be paid to the said George Richardson Cottrelle as such Oil Controller—

- (1) his actual out of pocket expenses incurred in connection with his duties aforesaid;
- (2) the administration expenses incurred by him in the exercise of the powers aforesaid, including travelling expenses of any person acting under his authority.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council establishing regulations for permits to export to France,
the French Colonies, Protectorates or Territories
under French Mandate

P.C. 2833

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of June, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State for External Affairs, with the concurrence of the Minister of National Revenue, represents that recent developments in France have made it expedient to require an export licence for any shipment of goods from Canada to France, the French Colonies, Protectorates of Territories under French Mandate;

Therefore His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, with the concurrence

aforesaid, and under and by virtue of the power vested in the Governor in Council by the War Measures Act, Chapter 206, R.S.C. 1927, is pleased to make the following regulations supplementary to those contained in Orders in Council P.C. 286 of January 23rd, 1940, and P.C. 885 of February 29th, 1940, and P.C. 1471 of April 11th, 1940, and the same are hereby made and established accordingly,—

REGULATIONS

- (1) No person shall export any goods to France, the French Colonies, Protectorates or Territories under French Mandate, without first having obtained a permit issued by or on behalf of the Minister of National Revenue;
- (2) Applicants for permits shall furnish in respect of each proposed shipment for export to any part of the French Empire information in writing in the manner and form approved by the Minister of National Revenue.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Canada Gazette, Friday, June 28, 1940.

GOVERNMENT NOTICE

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA

To all to whom these presents shall come or whom the same may in anywise concern,

GREETING:

Whereas Regulation 15 of the Defence of Canada Regulations provides that the Secretary of State of Canada may make provision by order for preventing or restricting the publication in Canada of matters as to which he is satisfied that the publication thereof would or might be prejudicial to the safety of the State or the efficient prosecution of the war, and that any such order may contain such incidental and supplementary provisions as may appear to the Secretary of State to be necessary or expedient for the purposes of the order.

And whereas the undersigned is satisfied that the publication of the periodical *Hlas L'Udu*, published in the Slovak language by the Hlas L'Udu Publishing Association, 165 Spadina Avenue, Toronto, is prejudicial to the safety of the State and the efficient prosecution of the war.

Now know ye that the undersigned, the Secretary of State of Canada, pursuant to the powers vested in him by Regulation 15 of the Defence of Canada Regulations, doth hereby order that the publication of the Slovak language periodical *Hlas L'Udu*, be prohibited.

Dated at the Department of the Secretary of State, at the City of Ottawa, this twenty-eighth day of June, in the year of Our Lord, one thousand nine hundred and forty.

PIERRE F. CASGRAIN,
Secretary of State.

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and

Orders in Council

*Passed under the authority of
The War Measures Act*

R.S.C. (1927) Chap. 206

VOLUME 3

Orders in Council published in Volume 3

This Volume includes Orders in Council which are regarded as of general interest and concern, passed between July 1, 1940, and December 31, 1940, but does not include those relating to the Foreign Exchange Control Board which are published by that Board.

OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1941

P.C. 108

CERTIFIED to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 13th January, 1940.

The Committee of the Privy Council have had before them a report, dated 10th January, 1940, from the Honourable C. G. Power, Convener of the Committee of the Cabinet on Legislation, stating:—

- (1) That under the provisions of The War Measures Act, a large number of Orders in Council, many of them having the force of Statutes, have been passed;
- (2) That many of such Orders in Council need to be referred to frequently by persons interested in the subjects thereof; and
- (3) That it is advisable that a compilation of all such Orders in Council should be prepared and published in book form, and that all Proclamations should be included therein;

The Minister, therefore, recommends that he be authorized to undertake the compilation and publication of all Proclamations, and of all Orders in Council passed under the provisions of The War Measures Act, Chapter 206, R.S.C., 1927, having the force of Statutes; that all such Orders in Council passed between August 25, 1939, and December 31, 1939, together with all Proclamations of the same period, constitute the first volume thereof; and that the cost of this and of subsequent volumes be a charge against the moneys provided by Parliament under The War Appropriation Act, 1939.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Acting Clerk of the Privy Council.

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Order in Council approving Regulations for control of explosives

The Canada Gazette, July 20, 1940

P.C. 2903

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 4th day of July, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under the Explosives Act, Chapter 62, Revised Statutes of Canada, 1927, it is provided that no person shall have in his possession, or import, store, use or manufacture, whether wholly or in part, or sell, any explosive unless such explosive has been declared by the Minister to be an authorized explosive;

And whereas the Minister of Mines and Resources reports that it is considered desirable that, for the duration of the war, the possession, use and sale of authorized explosives should be controlled;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and under the War Measures Act, is pleased to Order as follows:

- (1) The regulations made by Order in Council of 20th February, 1940 (P.C. 678), are hereby cancelled.
- (2) The following Regulations are hereby made and established:

REGULATIONS

1. The expression and words used in these Regulations shall, except where and to the extent varied by these Regulations and unless the context otherwise requires, have the same respective meanings as in the Explosives Act.

2. Nothing in these regulations shall relieve any person of the obligation to comply with the provisions of the Explosives Act and the requirements of any license law or other law or by-law of any province or municipality lawfully enacted with regard to the storage, handling, sale or other dealing with explosives nor of any liability or penalty imposed by such law or by-law for any violation thereof.

3. For the purpose of these Regulations the expression "authorized explosive" shall not include those explosives classified as Division 1 of Class 6 and as Class 7 under the Regulations made under the Explosives Act by Order in Council P.C. 469 of the 1st March, 1920, as amended by Order in Council P.C. 1129 of the 7th April, 1921, nor shall it include nitrocellulose that has been imported for use in manufacture under authority of importation permits issued by the Minister of Mines and Resources.

4. In these Regulations the expression "explosive purchase permit" shall mean a permit issued pursuant to these Regulations for the purchase or possession of authorized explosive.

5. Authorized explosives shall be sold only by the owner or operator of a licensed factory or the owner or operator of a licensed magazine except in so far as holders of existing stock may dispose of such stock as provided by section 11 hereof.

6. An explosive purchase permit may be issued by and over the signature of a member of the Royal Canadian Mounted Police, a member of the provincial police of a province, an Inspector of Mines of a province or the Chief of Police of a municipality wherein the authorized explosive is to be used and it shall show the name, nationality, address and occupation of the holder and it shall clearly and specifically state the purpose for which it is granted, the date of issue and the length of time for which it shall be valid, the kind and quantity of authorized explosive it covers, where and under what conditions the authorized explosive is to be used or is to be stored when not in use and address to which notice of cancellation may be directed and any other particulars or restrictions which to the person issuing such permit it appears advisable to include.

- (2) Notwithstanding the provisions of these regulations, where the explosive is required by the owner or operator of a mine or quarry for the purpose of *bona fide* mining or quarrying, if such course be approved by the Provincial Inspector of Mines only one explosive purchase permit shall be required by such owner or operator with respect to the same mine or quarry in any one calendar year unless the Chief Inspector of Explosives shall otherwise direct.

7. An explosive purchase permit shall be made out in quadruplicate, of which the original and duplicate are to be given to the holder of the permit, the triplicate forwarded to the Chief Inspector of Explosives and the quadruplicate retained by the issuing officer.

8. An explosive purchase permit shall be signed in his own handwriting by the holder thereof in the presence of the issuing officer; and the original and duplicate of such explosive purchase permit shall be signed a second time in his own handwriting by the holder thereof or by his authorized agent duly authorized thereto by him in writing, except where the authorized explosive is to be delivered to a common carrier for shipment to the holder thereof, in the presence of the person who sells, supplies, gives or lends the authorized explosive mentioned therein to him; and the person who sells, supplies, gives or lends such authorized explosive to the said holder of the said permit shall at the time he does so endorse the said permit by placing thereon in his own handwriting his name, address and the date. Where in the case of a sale or other authorized disposition of explosives by an owner or operator of a licensed factory or licensed magazine it becomes necessary to deliver same to a common carrier, the holder of the explosive purchase permit or his authorized agent shall produce the explosive purchase permit to the agent of the common carrier at the point of destination, who before delivering the explosive shall satisfy himself as to the genuineness of the permit and that the person presenting the same is the person named therein or is an agent duly authorized by such person.

9. The holder of an explosive purchase permit shall retain the original in his possession at all times and shall produce same for inspection, when required, by an inspector or by a peace officer; and the said holder shall surrender the duplicate to the person from whom he purchases or receives the authorized explosive covered by the permit.

10. The person to whom an explosive purchase permit is presented shall, before he sells, supplies, gives or lends the authorized explosive mentioned therein to the holder of the permit, satisfy himself as to the genuineness of the permit and the signature of the issuing officer thereon, and shall also satisfy

himself that the person presenting the permit is the person named therein, or his duly authorized agent, and shall retain in his possession the duplicate of the permit so presented and shall, when required, produce it for inspection by an inspector or by a peace officer.

- (2) All magazine licensees shall within fifteen days from the publication of these regulations in *The Canada Gazette* and at such other times as the Chief Inspector of Explosives shall require, furnish a return to the Chief Inspector of Explosives setting out the quantity of explosives in the possession of such licensee, the purpose for which it is held and the provision made for safeguarding the same. Failure to protect or safeguard the explosives in a manner satisfactory to the Chief Inspector of Explosives or to satisfy him in any other particular shall be deemed adequate cause for cancellation of the licence by the Minister and such licence may be cancelled forthwith.

11. Every person other than the owner or operator of a licensed factory or magazine who then has in his possession or in transit an authorized explosive shall, within fifteen days from the date of publication of these regulations in *The Canada Gazette*, apply to one of the persons mentioned or referred to in regulation 6 of these regulations as authorized to issue explosive purchase permits for permission to retain or use the said authorized explosive, which permission may be granted as in the circumstances may seem advisable by the issuance to such applicant of an explosive purchase permit authorizing him to retain the said authorized explosive in his possession or use it as in such permit set forth; provided, however, that such permission or refusal to grant permission may be reviewed at the discretion of the Chief Inspector of Explosives and he may order that permission may be refused or granted as to him seems necessary in the circumstances. All authorized explosives for which a permit to retain is refused may be held by the former holder thereof under such conditions as to safeguarding and otherwise as the person to whom application is made may require until the same can be disposed of in a manner satisfactory to such person and in no case later than sixty days after the publication of these regulations in *The Canada Gazette*.

12. If at any time it appears, upon reasonable grounds, to the Chief Inspector of Explosives or the issuing officer that the continued possession by the holder of an explosive purchase permit is not in the public interest, such Chief Inspector of Explosives or issuing officer shall forthwith cancel the said permit and shall thereupon notify the holder thereof of such cancellation in writing by registered mail directed to the holder at the address shown for the purpose in such permit and shall forthwith report to the Minister of Mines and Resources the reason for cancelling the permit and the Minister shall, upon review, confirm or set aside the decision of the Chief Inspector of Explosives or issuing officer.

13. No person shall sell, supply, give or lend an authorized explosive to any person who is not the holder of an explosive purchase permit.

14. No person shall sell, supply, give or lend an authorized explosive to the holder of an explosive purchase permit if he has reason to believe, or knows, or intends, that such authorized explosive will be used for some purpose other than that authorized by the said permit.

15. No person shall have in his possession, or under his control, or use, an authorized explosive unless he is the holder of a valid explosive purchase permit.

16. No person, being the holder of an explosive purchase permit, shall have in his possession, or under his control or use, an authorized explosive for any other purpose, or in any other place, or in any other manner, than that set out in and authorized by the explosive purchase permit covering the said authorized explosive.

17. The provisions of these Regulations shall not apply to the Northwest Territories or to the Yukon Territory.

18. The provisions of these Regulations shall not apply to the Department of National Defence nor, subject to provisions of section 10 (2), to transactions of sale, purchase, transfer or possession of an authorized explosive by or between the owner or operator of a licensed factory and the owner or operator of a licensed magazine.

19. The provisions of these Regulations shall not apply to the *bona fide* employees of, or contract workers employed in, a mine or quarry, the owner or operator of which is in possession of an explosive purchase permit, nor shall they apply to the *bona fide* employees of a railroad, highway contractor or of any industry or undertaking making use of authorized explosives the owner or operator of which is in possession of an explosive purchase permit, but this exemption shall only apply when the said employees or workers are actually engaged in their duties as such on the premises or under the control or supervision of the holder of such explosive purchase permit.

20. Every person who contravenes any of the provisions of these regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding FIVE HUNDRED DOLLARS or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

21. Where any person is charged with an offence under these Regulations it shall not be necessary for the prosecuting authority to establish that the accused had not an explosive purchase permit or was not otherwise authorized to commit the act complained of, and if the accused pleads or alleges that he had such permit or other authority the burden of proof therefor shall be upon the person so charged.

22. These Regulations shall have effect upon publication in *The Canada Gazette*.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing issue of War Savings Certificates to groups or associations declared eligible by War Savings Committee

The Canada Gazette, July 13, 1940

P.C. 2997

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5th July, 1940.

The Committee of the Privy Council have had before them a report, dated 5th July, 1940, from the Minister of Finance, representing:—

- (1) That by Order in Council P.C. 2184 dated May 24, 1940, the issue and sale of War Savings Certificates was authorized;

- (2) That the said Order in Council provides that registration of War Savings Certificates shall be made only in the names of natural persons (individuals) whether adults or minors in their own right; and
- (3) That in the opinion of the Minister of Finance it is desirable to provide that War Savings Certificates may also be issued to, and registered in the names of, groups or associations of individuals organized to carry on operations without pecuniary gain to their members as hereinafter provided.

The Committee, therefore, on the recommendation of the Minister of Finance, advise that authority be given for the issue of War Savings Certificates to, and the registration thereof in the names of, incorporated or unincorporated bodies organized for the purpose of carrying on, without pecuniary gain to their members, objects of a national, municipal, patriotic, religious, educational, charitable, professional, social or sporting character or the like, including service clubs, labour and fraternal organizations, excepting those acting primarily as insurance or benefit societies; and that the War Savings Committee be authorized to determine, in any particular case, whether any body, incorporated or unincorporated, is eligible to purchase War Savings Certificates under the provisions hereof.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council establishing National Advisory Board for Evacuated
Children—Canadian Government responsible for placement,
care and welfare**

P.C. 3027

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 9th day of July, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by reason of the conditions presently existing or which may arise in Great Britain and Northern Ireland it has been deemed advisable to facilitate and assist in the movement or transfer of children therefrom to Canada and the Government of Canada has offered to assist the Government of the United Kingdom in such movement and to exercise supervision over their welfare while they remain in Canada;

And whereas the Government of the United Kingdom has accepted the offer of the Government of Canada and the first numbers of children will soon arrive at Canadian ports;

And whereas the Governments of all of the Provinces have offered to extend to the Government of Canada every co-operation and assistance to enable it fully and effectually to carry out its responsibilities in respect to the movement of such children, their placement, care and welfare while in Canada, and have agreed to provide and make available all their existing staffs and other facilities they may have or that might be offered to them from any source whatsoever which might be usefully employed in connection with such work;

And whereas it is advisable that agreements should be entered into between the Government of Canada and the Governments of all the Provinces, setting out as fully as it is possible at this time the obligations, undertakings and responsibilities of each Government in respect to the placement, care, and welfare of such children;

And whereas in order to facilitate the work in all the Provinces and for other reasons, it is desirable that there should be set up a Board representative of all Canada to advise the Government in respect to any and all matters relating to the welfare of the children and to assist it in discharging its responsibilities in connection therewith;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and pursuant to the powers conferred by the War Measures Act, Chapter 206, R.S.C. 1927, is pleased to order and it is hereby ordered as follows:—

- (1) The Immigration Branch of the Department of Mines and Resources, under the direction of the Minister of such Department, shall have general administration and charge in Canada of the distribution, placement, care and welfare of the children under the hereinbefore recited arrangement with the Government of the United Kingdom.
- (2) The Minister of Mines and Resources shall have full power and authority
 - (a) with the approval of the Governor in Council to enter into agreements with all or any of the Provinces in Canada, in respect to any of the matters referred to in the preamble hereof, and to pay for all costs and charges incurred by the Provinces which the Dominion agrees thereunder to assume.
 - (b) to incur such expenditures as may be necessary to fully discharge the responsibilities of the Government of Canada and with the approval of the Governor in Council appoint any additional temporary officers, clerks and employees that may be required therefor and to determine their rates of compensation and the conditions of employment.
 - (c) with the approval of the Governor in Council to enter into contracts and agreements for the acquisition of lands and buildings by purchase, lease, or otherwise;
- (3) All expenditures incurred hereunder shall be a charge against the fund provided by the War Appropriation Act, 1940.
- (4) There shall be set up a Board called the National Advisory Board for Evacuated Children from Great Britain and Northern Ireland, to consist of The High Commissioner for the United Kingdom of Great Britain and Northern Ireland, or a person nominated by him, and representatives from each of the Provinces of Canada to be appointed by the Minister of Mines and Resources and, with the exception of the first mentioned representative, to be changed by him from time to time as may be deemed necessary and advisable. The Chairman of the said Board shall be appointed by the Minister of Mines and Resources and the Board shall have its headquarters in Ottawa and shall meet from time to time at the call of the Chairman.

The Board shall be responsible to and from time to time shall advise and report to the Minister of Mines and Resources in respect to any matter relating in any way to the welfare of the children and shall, subject to the approval of the Minister, have authority to organize and carry out appeals for funds to help defray the costs incurred hereunder. All funds collected in any way shall be held by the Board who

shall pay therefrom to the Government of Canada such sums as may be required from time to time to enable it to meet such expenditures. The Board may, if it considers it necessary so to do, appoint one or more sub-committees in any Province and select the members thereof. The sub-committees shall be composed of not more than three members, one of whom shall be one of the representatives of the Board from such Province.

- (5) The Minister of Mines and Resources is hereby authorized to pay if necessary all or any part of the administration expenses of the Board as well as the travelling or other out-of-pocket expenses of any member thereof.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

NOTE: Rescinded by Order in Council, P.C. 3869, August 13, 1940.

Order in Council approving licence re export of leather

The Canada Gazette, July 13, 1940

P.C. 3028

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 8th day of July, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Labour has received representations from the Wartime Prices and Trade Board to the effect that the enlargement of Canada's armed forces and the increase in industrial employment necessitate increased production of leather for footwear and other products; and

That a substantial part of Canadian requirements of hides and skins is supplied by foreign countries in some of which restrictions have been placed on the export thereof and the supply to Canada of hides, skins and the products thereof may be curtailed accordingly.

And whereas the Wartime Prices and Trade Board, on the advice of the Hides and Leather Administrator, deems it to be in the public interest that the supplies of leather, hides and skins in Canada be conserved and that licences for the export thereof, other than fur skins, be granted only when approved by the Board;

And whereas, by virtue of Section 4 (1j) of the Wartime Prices and Trade Board Regulations, the Board is empowered, subject to the approval of the Governor in Council, to control export of necessities of life;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the powers conferred on the Governor in Council by the War Measures Act and otherwise, is pleased to order and doth hereby order that until further notice licences for the export from Canada of leather, hides and skins, other than fur skins, shall be granted only when approved by the Hides and Leather Administrator on behalf of the Wartime Prices and Trade Board.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council transferring certain duties, powers and functions of
Minister of Transport to Minister of Munitions and Supply

The Canada Gazette, July 27, 1940

P.C. 3076

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 8th day of July, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Department of Munitions and Supply Act, Chapter 3 of the Statutes of 1939 (Second Session), provides for the establishment of a Department of the Government of Canada to be called the Department of Munitions and Supply over which the Minister of Munitions and Supply for the time being appointed by the Governor General by Commission under the Great Seal of Canada shall preside;

And whereas under and by virtue of Section 6 of the Department of Transport Act, 1936, Chapter 34 of the Statutes of 1936, the duties, powers and functions formerly vested in the Minister of Marine, and with respect to civil aviation in the Minister of National Defence, by any Act, order or regulation were vested in the Minister of Transport;

And whereas such duties, powers and functions vested in the Minister of Transport, as aforesaid, include the control and supervision of the Civil Aviation, Meteorological and Radio Services of the Department of Transport;

And whereas certain duties, powers and functions are vested in the Minister of Transport with respect to Trans-Canada Air Lines under The Trans-Canada Air Lines Act, 1937, Chapter 43 of the Statutes of 1937, and with respect to broadcasting under the provisions of The Canadian Broadcasting Act, 1936, Chapter 24 of the Statutes of 1936;

And whereas it is deemed expedient to transfer the duties, powers and functions vested in the Minister of Transport under The Department of Transport Act, 1936, with respect to the Civil Aviation, Meteorological and Radio Services of the Department of Transport and the control and supervision of such services, and the duties, powers and functions vested in the said Minister under The Canadian Broadcasting Act, 1936, with respect to broadcasting, and under The Trans-Canada Air Lines Act, 1937, with respect to Trans-Canada Air Lines, to the Minister of Munitions and Supply;

And whereas it is deemed expedient that the Deputy Minister of Transport shall be the Deputy of the Minister of Munitions and Supply with respect to the services proposed to be transferred to such Minister, and that the Deputy Minister of Transport and the appropriate officers of the Department of Transport shall, in respect of such services, have and exercise the respective powers and duties which they now have and exercise;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Prime Minister and under and by virtue of the provisions of the Public Service Re-Arrangement and Transfer of Duties Act, Chapter 165 of the Revised Statutes of 1927, and the War Measures Act, Chapter 206 of the Revised Statutes of 1927, is pleased to order:—

- (1) That the duties, powers and functions vested in the Minister of Transport under The Department of Transport Act, 1936, with respect to the Civil Aviation, Meteorological and Radio Services of the Depart-

ment of Transport and the control or supervision of such services, and the duties, powers and functions vested in the said Minister under The Canadian Broadcasting Act, 1936, with respect to broadcasting, and under The Trans-Canada Air Lines Act, 1937, with respect to Trans-Canada Air Lines, be and they are hereby, transferred to the Minister of Munitions and Supply.

- (2) That, notwithstanding the provisions of Section 3 of the Public Service Re-arrangement and Transfer of Duties Act, the Deputy Minister of Transport shall be the Deputy of the Minister of Munitions and Supply with respect to the powers, duties, functions, control or supervision of the services transferred to the Minister of Munitions and Supply under paragraph (1) hereof, and the Deputy Minister of Transport and the appropriate officers of the Department of Transport shall, in relation thereto, have and may exercise the respective powers and duties which, prior to the date hereof, belonged to or were exercisable by them in respect of the duties, powers, functions, control or supervision hereby transferred.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council approving regulations re registration of all persons
resident in Canada over the age of sixteen years**

The Canada Gazette (Extra), July 19, 1940

P.C. 3156

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 12th day of July, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Right Honourable W. L. Mackenzie King, the Prime Minister, submits that in furtherance of the project already approved by the Governor General in Council for the registration of all persons resident in Canada over the age of sixteen years, it is, in his opinion, essential that regulations be made to give effect to such project.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Prime Minister and under and in virtue of the powers vested in the Governor in Council by The National Resources Mobilization Act, 1940, the War Measures Act, and otherwise, is pleased to make the regulations annexed hereto and they are hereby made and established accordingly.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

NOTE: Regulations published in *The Canada Gazette (Extra)*, July 19, 1940.

Order in Council appointing George C. Bateman, Metals Controller and establishing regulations respecting metals

The Canada Gazette (Extra), August 20, 1940

P.C. 3187

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 15th day of July, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under and by virtue of The Department of Munitions and Supply Act, the Minister of Munitions and Supply has, among other duties, the duties of organizing the resources of Canada contributory to and the sources of supply of munitions of war and supplies and the agencies available for the supply of the same and of mobilizing, conserving and co-ordinating the economic and industrial facilities available in respect of munitions and supplies for the effective prosecution of the present war;

And whereas it is deemed necessary to conserve, co-ordinate and regulate the metal resources and industry of Canada in order to fulfil the present and potential needs of Canada and her Allies, and for such purpose to appoint a Metals Controller with the powers hereinafter set forth.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply and pursuant to the powers conferred on the Governor in Council by the Department of Munitions and Supply Act and by The War Measures Act, is pleased to appoint and doth hereby appoint George C. Bateman, Esquire, of the City of Toronto, in the Province of Ontario, as Metals Controller.

His Excellency in Council, on the same recommendation and under the above cited authority, is pleased to make the following regulations respecting Metals and they are hereby made and established accordingly:—

REGULATIONS

- (1) For the purpose of these Regulations,
 - (a) "Minister" shall mean the Minister of Munitions and Supply;
 - (b) "Metals" shall mean and be deemed to include all minerals, ores, metallic products, metals and alloys thereof, save and excepting coal and other solid fuels, oil, steel and iron;
 - (c) "Metals Controller" shall mean the person from time to time appointed as such by the Governor in Council;
- (2) The Metals Controller shall have power,
 - (a) To buy, take possession of, or otherwise acquire, drill for, mine, process, refine, store, transport, allocate, distribute, sell, exchange or otherwise dispose of and generally to deal in metals;
 - (b) To enter on any land and into any plant, factory, mill, refinery, building or place for the purpose of inspecting metals;
 - (c) To enter on, take possession of and utilize any land, plant, factory, mill, refinery, building or place used or capable of being used for the purpose of drilling for, mining, refining, processing or storing of metals

and to take possession of any vehicles, cars, ships, locomotives or other means of transportation required for any purposes in connection with the operation of the aforesaid plant, factory, mill, refinery, building or place, or for the transportation of metals;

- (d) To take possession of any metals wherever found;
- (e) To utilize any water supply or motive power whatsoever available for any of the purposes aforesaid;
- (f) Subject to the approval of the Minister, from time to time, to fix maximum prices or maximum mark-ups at which metals may be sold or offered for sale;
- (g) Subject to the approval of the Minister, from time to time, to fix or limit the quantity of metals which may be bought, sold or distributed by or to any person, firm or corporation within specified periods of time and to prohibit any sale or distribution in excess of the quantities so fixed or limited;
- (h) To issue and reissue permits and licences to any person, firm or corporation buying, selling, drilling for, mining, processing, refining, storing, transporting, importing, exporting or in any way dealing in metals, and to suspend, cancel or refuse to issue any such permit or licence wherever the Controller deems it to be in the public interest to do so and subject to the approval of the Minister to fix the fees payable for the issue of such permits and licences and to prescribe the manner, procedure, terms and conditions under which such permits and licences shall be obtained;
- (i) To prohibit any or every person, firm or corporation from buying, selling, drilling for, mining, processing, refining, storing, transporting, exporting, importing or otherwise dealing with or in metals unless licensed by the Controller;
- (j) To prohibit the construction of or the making of any structural change or addition to any plant, factory, mill, refinery or building used or to be used for drilling for, mining, processing, refining, storing or otherwise dealing with metals;
- (k) To construct or make any structural change or addition to any plant, factory, mill, refinery or building for the purpose of or to be used in any way in connection with drilling for, mining, processing, refining or storing of metals;
- (l) To regulate the type or grade of metals to be drilled for, mined, processed, refined, stored, transported, exported, imported or otherwise dealt with by any or every person, firm or corporation;
- (m) To give directions to any person, firm or corporation owning or having power to dispose of or being in possession of metals, to produce to any person, authorized for the purpose by the Controller in writing, any books or documents of any description specified by the Controller and to permit the person so authorized to take copies of or extracts from any such books or documents, and when the Controller deems necessary to remove any such books or documents;
- (n) To require from time to time any person, firm or corporation owning or having power to dispose of or being in possession of metals to furnish, in such form and within such time as the Controller may prescribe, written returns, under oath or affirmation, showing such information as the Controller may deem necessary;
- (o) To require any person, firm or corporation owning or having power to dispose of or being in possession of or having power to drill for, mine, process, refine, store or transport metals, to drill for, mine,

process, refine, store, transport, sell or otherwise deal with such metals in such manner as may be specified and in priority to any other business of such person, firm or corporation, or otherwise as may be specified; provided that the compensation, if any, to be paid shall, in default of agreement between such person, firm or corporation and the Minister be determined by the Exchequer Court on a reference thereto by the Minister;

- (p) Subject to the approval of the Governor in Council, to advance moneys to any person, firm or corporation engaged in the business of drilling for, mining, processing, refining, storing or transporting metals for the purpose of assisting such person, firm or corporation in the carrying on of such business;

3. If the Metals Controller takes possession of any metals or any other real or personal property, the consideration to be paid in respect thereof in default of agreement, shall be such, in the case of metals, as is prescribed by the Metals Controller with the approval of the Minister, and in the case of other property, shall be such as is determined by the Exchequer Court on a reference thereto by the Minister.

4. Any person, firm or corporation who contravenes or fails to observe any regulation or any prohibition, permit, licence or requirement of the Metals Controller or who or which in any manner hinders or obstructs the Metals Controller in the exercise of any of his powers, shall be guilty of an offence under The Department of Munitions and Supply Act.

His Excellency in Council is hereby further pleased to direct that there be paid to the said George C. Bateman as such Metals Controller

- (1) his actual out of pocket expenses incurred in connection with his duties aforesaid;
- (2) from time to time such working capital as may be required to enable him to carry out the powers aforesaid;
- (3) the administration expenses incurred by him in the exercise of the powers aforesaid, including travelling expenses of any person acting under his authority.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council stating Oath of Allegiance not required of candidate for enlistment in Militia if citizenship in native country forfeited

The Canada Gazette, August 17, 1940

P.C. 3294

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 20th day of July, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that, while a candidate for appointment to or enlistment in the Active Militia is not required to be a British subject, nevertheless Section 21 of the Militia Act, Chapter 132 Revised Statutes of Canada, 1927, requires that the oath therein mentioned shall be taken by every person upon engaging to serve in the Active Militia;

That it has been brought to the attention of the Department of National Defence that under the laws of certain countries a citizen thereof who takes the Oath of Allegiance to the head of another State forfeits his citizenship, although mere service in the Armed Forces of that State does not in itself result in such a forfeiture;

That inasmuch as the taking of the Oath of Allegiance prescribed by the Militia Act does not in itself confer British nationality on a person who is not a British subject, the result would be that when such persons are discharged from the Militia they are neither British subjects nor citizens of the country to which they belonged at the time they joined the Militia;

That it has been drawn to the attention of the Department of National Defence that this would create complications with respect to the return of these persons to their own countries;

That with respect to the Royal Canadian Air Force an amendment to King's Regulations and Orders for the Royal Canadian Air Force, as approved by Order in Council P.C. 2399 dated 7th June, 1940, makes provision whereby the Oath of Allegiance will not be required to be taken by an officer of a candidate for enlistment who is a citizen of a foreign country if, by so doing, he would under the laws of the country in question forfeit his citizenship therein; and

That he is of the opinion that like provision should be made with respect to the Active Militia;

Therefore, His Excellency the Governor General in Council on the recommendation of the Minister of National Defence, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased notwithstanding anything to the contrary contained in the Militia Act, or any other law or Regulation, to order and it is hereby ordered that the Oath or Declaration of Allegiance prescribed by the Militia Act to be taken by every person engaging to serve in the Militia, shall not be required to be taken by a person on appointment to or enlistment in the Active Militia of Canada, who is a citizen of a foreign country if, by so doing, that person would, under the laws of the country in question, forfeit his citizenship therein.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council approving amendments to Coal Regulations
The Canada Gazette, July 27, 1940

P.C. 3298

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 20th day of July, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 3117 of the 18th day of October, 1939, approval was given to the appointment by the Wartime Prices and Trade Board of James McGregor Stewart, Esquire, K.C., as Coal Administrator to be responsible, among other matters, for the supervision of the purchase, shipment, distribution and allocation of domestic or imported coal, coke and other solid fuels;

And whereas the Minister of Labour reports that because of military exigencies, certain coals and coke of British origin were diverted to Canada with the request by the United Kingdom Government that they be sold and distributed by the Canadian Government acting as agent for the Board of Trade;

And whereas the Wartime Prices and Trade Board, on the advice of the Coal Administrator, deems it to be expedient and in the public interest that the powers and duties of the Coal Administrator, under the direction of the said Board, be amplified as hereinafter set forth;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to the powers conferred by the War Measures Act and otherwise, is pleased to order as follows:—

1. The Coal Administrator, under the direction of the Wartime Prices and Trade Board, is hereby empowered from time to time

- (a) to purchase, receive, acquire, sell, store, transport and distribute coal, coke and other solid fuels;
- (b) To prescribe prices and scales of payments to be made to him by buyers of solid fuel acquired by him or otherwise under his control;
- (c) To prescribe the manner, procedure, terms and conditions according to which such prices and payments shall be paid by and collected from buyers;
- (d) To receive and do such things as may be necessary to collect all sums that may become due to him accordingly;
- (e) To pay all sums that may become due by him to all persons entitled thereto;
- (f) To do such things and execute such documents as may be necessary or expedient to give effect to his powers.

2. The Coal Administrator shall deposit all funds received by him in such bank or banks as the Board may direct and the funds so deposited may be drawn against for the aforesaid payments and for such other proper and official purposes as the Board may authorize, by cheques or transfers signed by such persons as the Board may from time to time designate.

3. On the termination of the office of Coal Administrator, any surplus funds to the credit of the Coal Administrator shall be paid by him to the Receiver General of Canada to form part of the Consolidated Revenue Fund of Canada.

4. The Coal Administrator shall keep proper records and books of account, which records and books shall be subject to audit by the Auditor General of Canada at such times and in such manner as the said Auditor General shall determine.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing office of Director of Public Information to
be under direction of Department of National War Services

P.C. 3333

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 19th day of July, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council of December the 8th, 1939 (P.C. 4073), Walter S. Thompson, Esquire, was appointed Director of Public Information, for the purpose of providing for the collection, co-ordination and dissemination to the public of information concerning all phases of Canada's war effort and the various activities of the government related thereto.

And whereas by Order in Council of February the 23rd, 1940 (P.C. 772), G. H. Lash, Esquire, was appointed Director of Public Information, *vice* the said Walter S. Thompson, Esquire, resigned;

And whereas by Order in Council of February the 23rd, 1940 (P.C. 773), Claude Melancon, Esquire, was appointed Associate Director of Public Information;

And whereas under the authority of the Orders in Council to which reference has been made above, the Director of Public Information has engaged certain officers, clerks and other persons for the performance of the duties pertaining to his office;

And whereas by subsection (d) of Section 5 of The Department of National War Services Act, 1940, it is provided that the Minister of National War Services may, with the consent of the Governor in Council:

"(d) Co-ordinate the existing public information services of the Government and originate or employ other means in order that the same may be used in the most efficient way for the obtaining of the utmost aid from the people of Canada in the national emergency which has arisen.";

And whereas the Prime Minister reports that in order to give effect to the provisions of the said Act with respect to public information, it is expedient to provide that the Minister of National War Services be directed and empowered to carry out the duties described in the said subsection (d) of Section 5 of *The Department of National War Services Act, 1940*, and that for this purpose the said Minister be charged forthwith with the supervision and direction of the said Director and Associate Directors of Public Information, and the officers, clerks and other persons who have been employed by the said Director of Public Information for the performance of the duties pertaining to his office.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Prime Minister, with the concurrence of the Minister of National War Services, and under the provisions of Section 5 of *The Department of National War Services Act, 1940*, is pleased to order, and it is hereby ordered, that the Minister of National War Services be directed and empowered to carry out the duties described in subsection (d) of the said Section of the

said Act, and that for this purpose he be charged forthwith with the supervision and direction of the Director and Associate Directors of Public Information and the officers, clerks and other persons who have been employed by the said Director of Public Information for the performance of the duties pertaining to his office.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council transferring duties of Minister of Transport under The Radio Act 1938 (P.C. 3076) to Minister of Munitions and Supply

The Canada Gazette, September 21, 1940

P.C. 3435

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 25th day of July, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council (P.C. 3076), dated the 8th July, 1940, made under and by virtue of the Public Service Re-arrangement and Transfer of Duties Act and the War Measures Act, Chapters 165 and 206, respectively, of the Revised Statutes of 1927, it was provided, *inter alia*, that the duties, powers and functions vested in the Minister of Transport under The Department of Transport Act, 1936, with respect to the Civil Aviation, Meteorological and Radio Services of the Department of Transport and the control or supervision of such services should be transferred to the Minister of Munitions and Supply, and that, notwithstanding the provisions of Section 3 of the Public Service Re-arrangement and Transfer of Duties Act, the Deputy Minister of Transport should be the Deputy of the Minister of Munitions and Supply with respect to the powers, duties, functions, control or supervision of the services so transferred, and that the Deputy Minister of Transport and the appropriate officers of the Department of Transport should, in relation thereto, have and exercise the respective powers and duties which, prior to the date of the said Order in Council (P.C. 3076), belonged to or were exercisable by them in respect to the duties, powers, functions, control or supervision thereby transferred;

And whereas the Minister of Munitions and Supply reports that with respect to the above-mentioned Radio Services of the Department of Transport, certain duties, powers and functions are vested in the Minister of Transport under The Radio Act, 1938, which correspond in many respects to the duties, powers and functions formerly vested in the Minister of Marine under the Radiotelegraph Act, Chapter 195 of the Revised Statutes of 1927 and The Department of Marine Act, Chapter 31 of the Statutes of 1930, and which were vested in the Minister of Transport under The Department of Transport Act, 1936;

That, for the purpose of removing doubt, it is deemed expedient to include in the duties, powers and functions transferred to the Minister of Munitions and Supply under the said Order in Council (P.C. 3076) the duties, powers and functions vested in the Minister of Transport under The Radio Act, 1938;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply (with the concurrence of the Minister of Transport), and under and by virtue of the provisions of the Public Service Re-arrangement and Transfer of Duties Act and the War Measures Act, is pleased to amend Order in Council (P.C. 3076), dated the 8th July, 1940, and it is hereby amended to include in the duties, powers and functions transferred thereunder to the Minister of Munitions and Supply the duties, powers and functions vested in the Minister of Transport under The Radio Act, 1938.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council stating Oath of Allegiance not required of candidates joining Navy if citizenship in native country forfeited

P.C. 3511

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 30th day of July, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence for Naval Services reports that while a candidate for enrolment in the Naval Forces of Canada is not required to be a British subject, nevertheless Section 9 of the Naval Service Act, Chapter 139, Revised Statutes of Canada, 1927, requires that the Oath therein mentioned shall be taken by every Officer and Seaman upon engaging to serve in the Naval Service;

That it has been brought to the attention of the Department of National Defence that under the laws of certain countries a citizen thereof who takes the Oath of Allegiance to the head of another State forfeits his citizenship, although mere service in the Armed Forces of that State does not in itself result in such a forfeiture;

That inasmuch as the taking of the Oath of Allegiance prescribed by the Naval Service Act does not in itself confer British nationality on a person who is not a British subject, the result would be that when such persons are discharged from the Naval Forces they are neither British subjects nor citizens of the country to which they belonged at the time they joined the Naval Forces;

That it has been drawn to the attention of the said Department that this would create complications with respect to the return of these persons to their own countries;

That with respect to the Royal Canadian Air Force an amendment to King's Regulations and Orders for the Royal Canadian Air Force, as approved by Order in Council P.C. 2399 dated 7th June, 1940, makes provision whereby the Oath of Allegiance will not be required to be taken by an officer of a candidate for enlistment who is a citizen of a foreign country, if, by so doing, he would under the laws of the country in question forfeit his citizenship therein; and

That he is of the opinion that like provision should be made with respect to the Canadian Naval Forces;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence for Naval Services and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased, notwithstanding anything to the contrary contained in the Naval Service Act or any other Law or Regulation, to order and it is hereby ordered that the Oath of Allegiance prescribed by the Naval Service Act to be taken by every person engaging to serve in the Naval Service, shall not be required to be taken by a person on appointment to or enrolment in any Reserve Naval Forces of Canada for the period of hostilities only who is a citizen of a foreign country if by so doing, that person would, under the laws of the country in question, forfeit his citizenship therein.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing property in Canada belonging to residents
of French Territory in Europe and Africa to be under
control of Custodian**

The Canada Gazette, December 14, 1940

P.C. 3515

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 31st day of July, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, reports that in consequence of the invasion of France by enemy forces, and the possibility of the enemy exercising control over all of the French territory in Europe, the contiguous territories of Andorra and Monaco, and the French Zone of Morocco, Corsica, Algeria and Tunisia, it is necessary and expedient, with the view of preventing any of the resources in Canada of residents of such territories falling under the control of the enemy, to place, temporarily, under protective custody all property, rights and interests in Canada of persons residing in any of such territories, and to regulate trading with such persons; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's office established under the Regulations Respecting Trading with the Enemy (1939), and to confer on the Secretary of State the powers of regulation and control in respect of such property, rights and interests in Canada of persons residing in any of such territories, which are exercisable by him as Secretary of State and as Custodian under the Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Secretary of State of Canada with the concurrence aforesaid, and under and by virtue of the War Measures Act (R.S.C. 1927, Chapter 206) is pleased to order as follows:—

From and including the 21st day of June, 1940, the provisions of the Regulations Respecting Trading with the Enemy (1939) are hereby extended

to and deemed to apply to all of the French territory in Europe, the contiguous territories of Andorra and Monaco, and the French Zone of Morocco, Corsica, Algeria and Tunisia;

Provided that the Minister of Finance may exempt any property, rights and interests from the provisions of this Order, but in such case no transfer of ownership or possession or other dealing with or disposition of such property rights or interests in Canada may be made without the consent of the Minister of Finance or such Agency as he may designate.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council further amplying duties and powers of
Wool Administrator**

The Canada Gazette, August 17, 1940

P.C. 3555

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 30th day of July, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2734 of the 18th day of September, 1939, approval was given to the appointment by the Board of David C. Dick, Esquire, as Wool Administrator, to be responsible for, among other matters, the conduct of negotiations with the United Kingdom Wool Controller, the organization of any necessary arrangements for the securing of supplies of wool required by Canadian manufacturers, the supervision of the purchase, shipment, delivery and allocation of such supplies and such other duties as may be assigned to him by the Board;

And whereas by Order in Council P.C. 1384 of the 9th day of April, 1940, the powers and duties of the Wool Administrator were amplified in respect of cross bred wools;

And whereas the Wartime Prices and Trade Board, in order to safeguard the present and potential needs of Canada and her allies, deems it to be expedient and in the national interest that the powers of the Wool Administrator, under the direction of the Board, be further amplified and that regulations respecting wool be made as hereinafter set forth.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and pursuant to the powers conferred by the War Measures Act and otherwise, is pleased to make the following regulations respecting wool and they are hereby made and established accordingly.

REGULATIONS RESPECTING WOOL

1. For the purpose of these regulations

- (a) "Minister" shall mean the Minister of Labour;
- (b) "Wool" shall mean and include the wool or hair of a sheep, goat, camel, alpaca or other like animal, on the skin or removed therefrom

and not further processed than spun, woolly sheepskin, and rags, waste, clippings, shoddy, mungo and wool stock, whatever the proportion of wool contained in such materials;

- (c) "Wool Administrator" shall mean the person from time to time appointed as such by the Governor in Council;

2. The Wool Administrator, without detracting from any power heretofore conferred on him, shall have power, under the direction of the Wartime Prices and Trade Board, from time to time

- (a) to buy, sell and otherwise deal in, store, transport, allocate and distribute wool;
- (b) to process wool or require any person, firm or corporation in the business of processing wool to process any specified wool in any specified manner and in such priority to any other business of such person, firm or corporation as may be specified;
- (c) to enter, or authorize any person to enter, any place for the purpose of inspecting any wool;
- (d) to take possession of any wool or wool-bearing animal and deal with or dispose of it in any manner;
- (e) for any purpose aforesaid, to enter into possession of and utilize any land, building, plant and equipment used or capable of being used for the processing, storing or transporting of wool and to use any motive power available;
- (f) subject to the approval of the Minister, to fix prices or markups or maximum prices of maximum markups at which any wool shall be sold or offered for sale;
- (g) subject to the approval of the Minister, to fix or limit the quantities of any wool which may be sold or distributed by or to any person, firm or corporation within prescribed periods of time and to prohibit sale or distribution in excess of the quantities so fixed or limited;
- (h) subject to the approval of the Minister, to issue and re-issue a permit or licence to any person, firm or corporation to buy, sell or otherwise deal in wool and to suspend, cancel or refuse to issue any such permit or licence whenever he deems it in the public interest so to do and to fix the fees payable for the issue of such permits or licences and to prescribe the manner, procedure, terms and conditions under which such permits or licences shall be obtained;
- (i) subject to the approval of the Governor in Council, to prohibit persons, firms and corporations from exporting or importing wool without a permit or licence aforesaid, and, subject to the approval of the Minister, to prohibit persons, firms and corporations from processing, acquiring, disposing of, transporting or otherwise dealing in wool without a permit or licence aforesaid;
- (j) to require any person, firm or corporation owning or having possession, control or power to dispose of any wool, to deal with and dispose of any such wool in specified manner;
- (k) to require any person, firm or corporation owning or having possession, control or power to dispose of or dealing in any wool, to produce to any person authorized in writing for the purpose by the Wool Administrator any books or documents and to permit the person so authorized to make copies of or extracts from any such books and documents and, when the Wool Administrator deems it necessary, to remove any such books and documents;

- (l) to require any person, firm or corporation processing, storing, importing or dealing in wool to furnish, in such form and within such time as the Wool Administrator may prescribe written returns under oath or affirmation showing such information as the Wool Administrator may deem necessary;
- (m) subject to the approval of the Governor in Council, to advance money to any person, firm or corporation in the business of processing wool for the purpose of assisting such person, firm or corporation in the carrying on of such business, out of such monies as may be designated by the Governor in Council or as may be otherwise duly provided;
- (n) to deposit all funds received by him in such bank or banks as the said Board may direct and, for all proper and official purposes, to draw there-against by cheque signed by such persons as the said board may from time to time designate; all surplus funds, on the termination of the office of Wool Administrator to be paid to the Receiver General of Canada to form part of the Consolidated Revenue Fund of Canada;

and the Wartime Prices and Trade Board Regulations shall be deemed to have been and are hereby amended in so far as is necessary to give effect to these regulations.

3. If the Wool Administrator takes possession of any wool or any other property, the consideration to be paid in respect thereof, in default of agreement, shall be such, in the case of wool, as is prescribed by the Wool Administrator under the direction of the Wartime Prices and Trade Board with the approval of the Minister and, in the case of other property, shall be such as is determined by the Exchequer Court on a reference thereto by the Minister.

4. Any contravention of or failure to observe any regulation, prohibition, permit, licence or requirement of the Wool Administrator shall be deemed to be an offence against these regulations and the Wartime Prices and Trade Board Regulations, and the penalties prescribed in the Wartime Prices and Trade Board Regulations shall extend and apply thereto.

(Sgd) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing information *re* Income Tax Returns be made available to Custodian of enemy property, Foreign Exchange Control Board or R.C.M.P.

P.C. 3563

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 30th day of July, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, under and in virtue of the powers conferred by the War Measures Act, chapter 206, Revised Statutes of Canada, 1927, is hereby pleased to make the following regulation, the Acting Minister of Justice having reported that the said regulation is necessary and advisable for the security, defence, peace, order and welfare of Canada, viz:—

REGULATION

1. The Commissioner of Income Tax shall, with the approval of the Minister of National Revenue, communicate or allow to be communicated to the Custodian of Enemy Property, the Foreign Exchange Control Board or the Royal Canadian Mounted Police any information obtained under the provisions of the Income War Tax Act, or allow any duly accredited representative of the Custodian of Enemy Property, the Foreign Exchange Control Board or the Royal Canadian Mounted Police aforesaid to inspect or have access to any information contained in any return or other written document furnished under the provisions of the said Act.

2. The duty imposed or power so conferred upon the Commissioner of Income Tax shall, subject as hereinafter provided, be performed or exercised only upon a certificate given by the Custodian of Enemy Property, the Chairman of the Foreign Exchange Control Board or the Commissioner, Royal Canadian Mounted Police to the Commissioner of Income Tax that the information or inspection, as the case may be, is necessary for the proper and effective conduct of the war and every such certificate shall name therein the taxpayer or other person in respect of whom information or inspection is required: Provided, however, that the Commissioner of Income Tax or any other officer of the Income Tax Division of the Department of National Revenue, duly authorized by the Commissioner to that effect, shall from time to time without such certificate, furnish to the Custodian of Enemy Property, the Foreign Exchange Control Board or the Royal Canadian Mounted Police such information obtained under the provisions of the Income War Tax Act as, in the opinion of the Commissioner or such other officer, would be of assistance to the Custodian of Enemy Property, the Foreign Exchange Control Board or the Royal Canadian Mounted Police aforesaid in the exercise of their functions, respectively, in relation to the conduct of the war.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

The Canada Gazette (Extra) July 31, 1940

Government Notice

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA

To All To Whom these Presents shall come or whom the same may in anywise concern, GREETING:

Whereas Regulation 15 of the Defence of Canada Regulations provides that the Secretary of State of Canada may make provision by order for preventing or restricting the publication in Canada of matters as to which he is satisfied that the publication thereof would or might be prejudicial to the safety of the State or the efficient prosecution of the war, and that any such order may contain such incidental and supplementary provisions as may appear to the Secretary of State to be necessary or expedient for the purposes of the order.

And whereas the undersigned is satisfied that the publication of the periodical *Jiskra*, published in the Czech language at 131 Lisgar Street, Toronto, is prejudicial to the safety of the State and the efficient prosecution of the war.

Now know ye that the undersigned, the Secretary of State of Canada, pursuant to the powers vested in him by Regulation 15 of the Defence of Canada Regulations, doth hereby order that the publication of the Czech language periodical *Jiskra*, be prohibited.

Dated at the Department of the Secretary of State, at the City of Ottawa, this thirty-first day of July, in the year of Our Lord, one thousand nine hundred and forty.

PIERRE F. CASGRAIN,

Secretary of State.

Order in Council authorizing French ships requisitioned or that may be requisitioned to be subject to the disposition of Minister of Transport

P.C. 3630

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 1st day of August, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Transport, with the concurrence of the Minister of National Defence for Naval Services, submits:—

1. That action is being taken under the provisions of Defence of Canada Regulation 48 (1), to provide for the requisitioning of certain French ships, namely, 5 ships now in the port of Sydney, 1 in the port of Halifax, 1 in the port of Montreal, and 2 in the port of Vancouver.

2. That, in the event that other French ships enter Canadian waters or Canadian ports, action may be taken for their requisition.

3. That it is expedient that authority may be given to provide for the disposition of any of such French ships that are or may be requisitioned, together with such cargoes as may be on board at time of entry into a Canadian port.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, with the concurrence aforesaid, is pleased to order and it is hereby ordered:—

- (1) That any French ships that have been requisitioned, or that may be requisitioned under the provisions of Defence of Canada Regulation 48 (1), shall be subject to the disposition of the Minister of Transport, acting upon the advice of the Canadian Shipping Board;

Provided that the Minister of National Defence for Naval Services may specify any of such ships as may be required to be retained by him for Naval purposes; and

Provided that any arrangements in respect of or for the employment of fishing vessels shall be subject to the concurrence of the Minister of Fisheries.

- (2) That the cargoes on board such ships at the time of entry into a Canadian port shall be subject to the disposition of the Minister of Transport, with the concurrence of the Custodian of Enemy Property and, in the case of fish and fish products, with the concurrence of the Minister of Fisheries.
- (3) That, for the purpose of giving effect to any undertakings based upon the acceptance of fiduciary obligations for the benefit of the French interests concerned, the final disposition of the net proceeds or earnings of the ships or cargoes shall be subject to the approval of the Secretary of State for External Affairs.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council requiring permit to import wool

The Canada Gazette, August 17, 1940

P.C. 3632

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 3rd day of August, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 3555 of the 30th day of July, 1940, Regulations respecting wool were made and established whereby the Wool Administrator, under the direction of the Wartime Prices and Trade Board and subject to the approval of the Governor in Council, was empowered, among other matters, to prohibit persons, firms and corporations from importing wool, as therein defined, without a permit or license to be obtained from the Wool Administrator in accordance with such manner, procedure, terms and conditions as the Wool Administrator, under the direction of the Board with the approval of the Minister of Labour, may prescribe;

And whereas the Minister of Labour reports that the Board, on the advice of the Wool Administrator, deems it to be expedient and in the national interest that persons, firms and corporations may not import into Canada wool, not further processed than combed, except upon permit obtained from the Wool Administrator accordingly;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, is pleased to order and doth hereby order that until further notice persons, firms and corporations may import into Canada wool, not further processed than combed, only upon permit obtained from the Wool Administrator in accordance with such manner, procedure, terms and conditions as the Wool Administrator, under the direction of the Wartime Prices and Trade Board with the approval of the Minister of Labour, may from time to time prescribe.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending National Registration Regulations
(P.C. 3156)

The Canada Gazette, August 10, 1940

P.C. 3681

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 5th day of August, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of National War Services, is pleased to amend the National Registration Regulations, 1940 (established by Order in Council of 12th July, 1940, P.C. 3156), and they are hereby amended as follows:—

1. Section 4 of the said Regulations is amended by adding thereto the following subsection:

“(4) Notwithstanding anything contained in subsection (1) of this section, the Chief Registrar for Canada shall arrange for taking the registration, so far as this is possible, of those persons mentioned in paragraphs (a), (b), (c) and (d) of subsection (1) and shall prescribe such procedure as he deems advisable for the purpose.”

2. Section 11 of the aforesaid regulations is repealed and the following is substituted therefor:

“11. Except as herein otherwise provided, every person shall register during the registration period at a registration booth established for the polling division in which he ordinarily resides, or subsequent to the registration period, at the post office nearest to his permanent place of residence; Provided that if any person is absent from his ordinary place of residence during the registration period he may register at a registration booth established for the polling division in which he happens to be during such period upon satisfying the Deputy Registrar that it is not possible for him to register in the polling division in which he ordinarily resides.”

3. Section 28 of the said regulations is amended by adding thereto the following:

“28. (2) Without restricting the generality of subsection (1) of this section and notwithstanding anything contained in any other of these regulations, the Chief Registrar for Canada may direct that the registration of any special class or classes of persons shall be taken otherwise than in accordance with these regulations and shall prescribe such procedure as he deems advisable for such purpose.”

4. Section 32 of the said regulations is repealed and the following is substituted therefor:

“32. All expenditure in connection with the administration of these regulations shall be paid in the same manner as in the case of ordinary civil Government expenditure.”

5. The said regulations are further amended by adding thereto the following:

"36. (1) All registration cards, registration certificates and other registration supplies, shall whenever deemed advisable, be transmitted by mail by the Registrar to the Deputy Registrar of the proper polling division.

(2) All completed registration cards and other registration documents, together with all unused registration supplies, shall, whenever deemed advisable, be transmitted by mail by the Deputy Registrars to the Registrar of the proper electoral district.

(3) All registration material mentioned in subsections (1) and (2) hereof, shall, when enclosed in the special envelope provided by the Chief Registrar for Canada for that purpose, be entitled to pass through the mails free of Canada postage."

"37. Notwithstanding anything contained in these regulations to the contrary, a Registrar in any electoral district may establish a registration place or booth in connection with any organization employing more than one hundred persons and the premises of such organization shall be deemed to be a polling division, and the Registrar may appoint a responsible person connected with such organization to be Deputy Registrar and such Deputy Registrar may appoint voluntary Assistant Deputy Registrars from amongst the employees and any employee of such organization may register at such registration place or booth so established in lieu of registering as otherwise provided by these regulations. Registration of employees in such organizations may be commenced in advance of the days fixed for registration in these Regulations."

"38. (1) Every person who employs other persons (hereinafter referred to as 'employer') shall on the twenty-first day of August, one thousand nine hundred and forty or as soon thereafter as is practicable, require each and every person in his employ, who has attained his sixteenth birthday to produce for inspection his registration certificate.

(2) Every employer shall on or after the twenty-first day of August aforesaid before employing any person who has attained his sixteenth birthday require such person to produce for inspection his registration certificate.

(3) Every employer who on or after the twenty-first day of August, one thousand nine hundred and forty, employs or continues in his employment any person required by these regulations to register who is unregistered shall be guilty of an offence in respect of each such employee, and liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(4) Every employer shall forthwith after the twenty-first day of August aforesaid report to the Department of National War Services and to the nearest police officer the name, address and occupation of all persons at any time employed by such employer required by these regulations to register who are unregistered, and every employer who refuses, fails or neglects without lawful excuse to report as required by this section of these regulations shall be guilty of an offence and liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment."

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council authorizing internment of persons acting in a manner
prejudicial to the State

The Canada Gazette, August 10, 1940

P.C. 3720

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 5th day of August, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas regulation 21 of the Defence of Canada Regulations made by Order in Council P.C. 2483 of the 3rd September, 1939, provides

"21. (1) The Minister of Justice, is satisfied, that with a view to preventing any particular person, from acting in any manner prejudicial to the public safety or the safety of the State it is necessary so to do, may, notwithstanding anything in these Regulations, make an order:—

.....

(c) directing that he be detained in such place, and under such conditions, as the Minister of Justice may from time to time determine;

and any person shall, while detained by virtue of an order made under this paragraph, be deemed to be in legal custody."

And whereas the Acting Minister of Justice reports that since this regulation came into force recommendations for the detention of one or more persons have been submitted to the Minister of Justice or the Acting Minister of Justice and where approved have been so indicated on the recommendation under the signature or initials of the Minister or Acting Minister and were considered and acted upon as orders;

That under date of the twenty-second day of September, 1939, the Minister of Justice made a general order,

"That persons arrested and detained under the provisions of the said regulation 21 shall be detained in internment camps for the internment of prisoners of war under the same conditions as are prisoners of war held in such internment camps."

That the majority of persons, including alien enemies, now in internment camps were detained under and pursuant to orders as above indicated; and

That some doubt has now arisen as to the validity of these orders and it is considered essential that this doubt be removed.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Justice and pursuant to the provisions of the War Measures Act, is pleased to order and it is hereby ordered that all recommendations for the detention of any particular person or persons under regulation 21 of the Defence of Canada Regulations approved, or which may hereafter be approved, under the signature or initials of the Minister of Justice or the Acting Minister of Justice, together with the order of the Minister of Justice, dated the twenty-second day of September, 1939, above referred to, shall be deemed to be and shall be construed for all purposes as valid orders made pursuant to the provisions of the said regulation.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

**Order in Council authorizing maximum selling prices for flour and bread
fixed by Wartime Prices and Trade Board**

The Canada Gazette, August 10, 1940

P.C. 3722

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 5th day of August, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 3998 of the 5th day of December, 1939, the Wartime Prices and Trade Board is empowered, subject to the approval of the Governor in Council, to fix maximum prices or maximum markups at which any necessary of life may be sold or offered for sale;

And whereas the Minister of Labour reports that various factors entering into the selling price of flour and bread make it desirable and in the public interest that maximum prices or maximum markups at which flour and bread may be sold or offered for sale be fixed by the Board;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and pursuant to the powers conferred on the Governor in Council by the War Measures Act and otherwise is pleased to order as follows:

The exercise by the Wartime Prices and Trade Board of its powers to fix from time to time the maximum prices or maximum markups at which any flour and bread, or either of such products, may be sold or offered for sale is hereby approved, and the said Board is hereby empowered to prescribe from time to time the manner in which any such maximum price or maximum markup shall be determined and to prescribe the conditions under which any flour or bread may be sold or offered for sale.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

The Canada Gazette (Extra), August 6, 1940

Government Notice

THE WARTIME PRICES AND TRADE BOARD

ORDER No. 5

Respecting Bread and Wheat Flour

made pursuant to authority conferred by Order in Council P.C. 3722 dated the 5th day of August, 1940.

1. Until further notice, the maximum price per pound at which any grade, quality or type of wheat flour shall be sold or offered for sale by any person for consumption in Canada shall be the price per pound charged by such person for that grade, quality, or type of wheat flour on the 23rd day of July, 1940, together with an addition consisting of a portion of the processing levy imposed on wheat products by the Canadian Wheat Board Act, 1935, as amended, which

portion shall not exceed thirty-five cents per barrel of one hundred and ninety-six pounds net weight or the proportionate part of such sum if the flour is packed in other types of containers; provided that, pursuant to section 18 (2) of the said Act as amended, in the case of flour delivered pursuant to a contract in force on the 24th day of July, 1940, for the future delivery of such flour, the whole of the said processing levy applicable to the flour so delivered may be added to the said maximum price.

2. Until further notice, the maximum price per pound at which any grade, quality or type of bread shall be sold or offered for sale by any person shall be the price per pound charged by such person for that grade, quality or type of bread on the 23rd day of July, 1940, and no part of the processing levy referred to in Section (1) hereof shall be added to the said maximum price.

3. Until further notice, no change shall be made in the terms and conditions of sale effective on the 23rd day of July, 1940, which would result in an increase in the price of bread or wheat flour.

4. This Order shall be effective on and after the 7th day of August, 1940.

Made at Ottawa, the 6th day of August, 1940.

H. B. McKINNON,
Chairman.

**Order in Council requiring permit for exports to certain African and
Atlantic possessions of certain European countries**

P.C. 3724

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 6th day of August, 1940

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas in accordance with the provisions of Orders in Council P.C. 286 of January 23, 1940, P.C. 885 of February 29, 1940, P.C. 1471 of April 11, 1940, and P.C. 2833 of June 27, 1940, the export of goods to neutral countries in Europe is prohibited, except under permit issued by or on behalf of the Minister of National Revenue;

And whereas the Secretary of State for External Affairs reports that the Government of the United Kingdom, with a view to strengthening economic measures designed to exert pressure upon the enemy, have indicated the necessity for the exercise of a thorough control at the source over all exports which might conceivably reach the enemy.

And whereas the Secretary of State for External Affairs, with the concurrence of the Minister of Trade and Commerce and the Minister of National Revenue represents that, in order to exercise this control, it would now be expedient to extend the export permit system to cover exports to certain African and Atlantic possessions of certain European countries.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, with the concurrence as aforesaid, and under and by virtue of the power vested in the Governor in Council by the War Measures Act, Chapter 206, R.S.C. 1927,

is pleased to make the following regulations supplementary to those contained in Orders in Council P.C. 286 of January 23, 1940, P.C. 885 of February 29, 1940, P.C. 1471 of April 11, 1940, and P.C. 2833 of June 27, 1940, and they are hereby made and established accordingly:—

REGULATIONS

1. No person shall export any goods to: Madeira Islands, Canary Islands, Cape Verde Islands, Azores, Spanish possessions in Africa north of the equator or Portuguese possessions in Africa north of the equator, The International Zone of Tangier

without first having obtained a permit issued by or on behalf of the Minister of National Revenue;

2. Applicants for permits shall furnish in respect of each proposed shipment for export to the countries enumerated in the preceding paragraph information in writing in the manner and form approved by the Minister of National Revenue.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

The Canada Gazette (Extra), August 7, 1940

Proclamation

ATHLONE

[L.S.]

CANADA

GEORGE THE SIXTH by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India;

To ALL To WHOM these Presents shall come or whom the same may in anywise concern, Greeting:

A Proclamation requiring the people to register under the Registration Regulations approved by Our Governor General of Canada in Council on the 12th day of July, 1940.

W. STUART EDWARDS, DEPUTY MINISTER OF JUSTICE, CANADA

Whereas by the regulations approved by Our Governor General of Canada in Council on the 12th day of July, 1940, under the authority of Our War Measures Act and Our Department of National War Services Act, 1940, it is in effect provided that Our Governor General in Council may by proclamation appoint a period of days for the general registration of the persons hereinafter described and by Our said regulations required to register during the days so appointed; Provided that a different registration period may be appointed for registration within Our Northwest Territories.

And whereas Our Governor General in Council has determined to appoint a period of days for the general registration pursuant to the said regulations, and to appoint different days for registration within Our Northwest Territories.

Now, therefore, know ye that we do hereby proclaim and appoint Monday, Tuesday and Wednesday, the 19th, 20th and 21st days of August, 1940, to be the days upon which the general registration aforesaid shall take place.

And we do hereby command, require and enjoin that every person who resides in Our Dominion of Canada, man and woman, whether he or she be one of our loving subjects or of alien or foreign nationality, who shall have attained his or her sixteenth birthday on or before the said 21st day of August, 1940, shall register on those days in the manner hereinafter indicated and by Our said regulations prescribed: Wherein the persons affected by Our command and injunction aforesaid are hereby especially charged not to fail, since not only do their loyalty and allegiance, or their obligation to obey the laws of the country of their residence, require and impose the duty of careful and implicit obedience to this Our strict command and injunction; but, moreover, lest any of the persons aforesaid should be ignorant of the consequences which will ensue if they fail to register during the period of days hereby appointed, we do hereby forewarn and admonish them that if any person by Our said regulations or by this Our proclamation required to register shall without lawful excuse, omit, neglect or fail to register during the period of days appointed for registration therefor, he or she shall be subject to a penalty of fine and imprisonment, and moreover to various forfeitures and disabilities as by Our said regulations provided.

And we do hereby proclaim and announce, for the information of all whom it may concern, that for the purpose of effecting the registration aforesaid, a registrar has been appointed for each electoral district in Our said Dominion entitled to return a member or members to Our House of Commons of Canada; that the registrars will divide the districts for which they are respectively appointed into convenient registration divisions, and appoint for each division a place or places of registration which will be specified by publication, and deputy registrars or assistant deputy registrars to attend to the registration of the persons entitled to register who present themselves during the period of days hereby appointed at the places aforesaid to be registered; and that any of the persons required to register upon the appointed days may register on the said days at any time between the hours of eight o'clock in the morning and ten o'clock at night, before one of our said deputy registrars or assistant deputy registrars, but they are counselled and admonished to register as early as possible, since otherwise, by reason of the great number of persons to be registered, their opportunity for registration may fail for lack of time.

Provided that inasmuch as different days are to be appointed for registration in our Northwest Territories, nothing in this Our proclamation contained shall be deemed or interpreted to require the registration on the said 19th, 20th and 21st days of August, 1940, of any person residing or being in the Northwest Territories on those days, or who shall be unable by reason of being there to register elsewhere on the said days.

Provided, further, that nothing in our said regulations or in this our proclamation is intended to require any of the following persons to register, viz.:

- (i) Members of the Naval, Military and Air Forces of Canada on Active Service;
- (ii) Persons confined in asylums for the insane or feeble minded, or in penitentiaries or prisons;
- (iii) Inmates of institutions excepted by the Chief Registrar for Canada upon the recommendation of a Registrar for the electoral district in which the institution is situated, provided that information required with respect to any of the excepted classes mentioned in subsections A to D inclusive shall be made available to the Bureau of Statistics in a manner to be hereinafter prescribed.

And we do hereby further, for the information of all whom it may concern, proclaim and announce that every person who resides in our said Dominion,

man and woman, whether he or she be one of Our Loving Subjects or of alien or foreign nationality, who

- (a) shall after the said 21st day of August, 1940, attain his or her sixteenth birthday, or
- (b) ceases after the said 21st day of August, 1940, to be a member of a class of persons exempted from registration as provided in this proclamation and in our regulations, or
- (c) was absent from Canada during the said 19th, 20th and 21st days of August, 1940,

is by our said regulations required to register in the manner prescribed by our said regulations within thirty days after his or her sixteenth birthday or after he or she shall have ceased to be exempted as aforesaid, or after he or she shall have entered or re-entered Canada, and that he or she should attend within the time limited at one of our post offices and comply with the requirements of our said regulations with respect to his or her registration.

Of all which Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

In testimony whereof we have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. Witness: Our Dear Uncle, Our Right Trusty and Right Well-beloved Cousin and Counsellor, Alexander Augustus Frederick George, Earl of Athlone, Knight of Our Most Noble Order of the Garter, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Honourable Order of the Bath, Grand Master of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Companion of Our Distinguished Service Order, Colonel in Our Army (retired), having the honorary rank of Major-General, one of Our Personal Aides-de-Camp, Governor General and Commander-in-Chief of Our Dominion of Canada.

At our Government House, in Our City of Ottawa, this second day of August, in the year of Our Lord One thousand nine hundred and forty and in the Fourth year of Our Reign.

By Command,

E. H. COLEMAN,

Under-Secretary of State.

Order in Council empowering certain Provincial Officials to requisition services of Active Militia when necessary

P.C. 3749

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 7th day of August, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Section 76 of the Militia Act, Chapter 132 Revised Statutes of Canada, 1927, provides that in any case where a riot or disturbance occurs or is anticipated as likely to occur, the Attorney-General, or the Acting Attorney-General, of the Province in which is situated the place where such riot or disturbance occurs, or is anticipated as likely to occur, on his own motion or upon

receiving notification from a judge of a superior or county or district court, having jurisdiction in such place, that the services of the Active Militia are required in aid of the civil power, may by requisition in writing addressed to the district officer commanding the military district in which such place is situated, require the Active Militia or such portion thereof as the district officer commanding considers necessary, to be called out on active service in aid of the civil power;

And whereas the Minister of National Defence reports that it has been represented that during the state of war now existing situations may arise necessitating speedy military action in aid of the civil power, and that delay would ensue in the event of the Attorney-General or Acting Attorney-General being absent or otherwise not available, or if the locality where military aid was required was so distant from the place where the Attorney-General or Acting Attorney-General was present that communication with him would entail considerable loss of time; and

That for the foregoing reasons it is desirable to empower certain Provincial Officials in addition to the Attorney-General or Acting Attorney-General as persons who, in the manner prescribed by the Militia Act, may requisition the services of the Active Militia in aid of the civil power.

Now therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased to make the following Regulations and they are hereby made and established accordingly:—

REGULATIONS

1. (1) Notwithstanding anything to the contrary contained in the Militia Act or in any regulations or orders made thereunder, the powers of an Attorney-General or of an Acting Attorney-General under the provisions of the Militia Act to requisition the services of the Active Militia in aid of the civil power may be exercised by any Crown Attorney, or by any other provincial official or class of provincial official designated from time to time for that purpose by the Attorney-General or Acting Attorney-General of the province concerned and the district officer commanding a military district shall act upon a requisition received from a Crown Attorney, or from any other provincial official or class of provincial official so designated in the same manner and to the same extent as if such requisition were received from an Attorney-General or an Acting Attorney-General.

(2) In any case in which the Active Militia has been called out the Attorney-General or Acting Attorney-General or the authority which made the requisition for calling out the Active Militia may notify the district officer commanding that their services are no longer required in aid of the civil power.

2. The form of the requisition for calling out the Active Militia in aid of the civil power as set out in Section 80 of the Militia Act, Chapter 132 Revised Statutes of Canada, 1927, shall *mutatis mutandis* apply to a requisition under Section 1 of these Regulations, except that no undertaking to pay the expenses and costs incurred by His Majesty by reason of the Active Militia or any part thereof being called out shall be required, provided that the Attorney-General or Acting Attorney-General has theretofore given an undertaking on behalf of the province to pay such costs and expenses in the event of a requisition being made pursuant to Section 1 of these Regulations.

3. References to a Magistrate contained in paragraphs 848 to 867, inclusive, of The King's Regulations and Orders for the Canadian Militia, 1939, shall extend to and include a Senior Police Officer as defined by Section 5 of these Regulations.

4. Where more than one Senior Police Officer is present at the place where the Active Militia has been called out in aid of the civil power the Attorney-General or Acting Attorney-General may designate which Senior Police Officer shall perform the functions of a Magistrate, and until the Attorney-General or Acting Attorney-General has so designated a Senior Police Officer to perform the functions of a Magistrate, any Senior Police Officer present at such place may perform such functions.

5. "Senior Police Officer" for the purpose of these Regulations shall mean any officer of the Royal Canadian Mounted Police not below the rank of Inspector; any officer of any Provincial Police Force of a like or superior rank; the Chief Constable of any city or town with a population of not less than 10,000; or any person upon whom the powers of a Senior Police Officer are, for the purpose of these Regulations, conferred by the Attorney-General or Acting Attorney-General of the Province.

6. The provisions of these regulations shall be supplementary to and not in lieu of the provisions of Sections 75 to 85 inclusive, of the Militia Act, Revised Statutes of Canada, Chapter 132, and the provisions of those Sections and of paragraphs 848 to 867 inclusive of The King's Regulations and Orders for the Canadian Militia, 1939, shall *mutatis mutandis* apply to these Regulations.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council transferring powers and duties of Secretary of State
under the War Charities Act, 1939, to the Minister of National
War Services**

P.C. 3859

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 13th day of August, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Section 2 of the Statute 3 George VI, Chapter 10, "The War Charities Act, 1939", it is provided that

"(a) "Minister" means the Secretary of State of Canada or such Minister as the Governor in Council may select to exercise and perform the powers and duties under this Act."

And whereas by sub-section (c) of Section 5 of the Department of National War Services Act, 1940, it is provided that the Minister of National War Services may with the consent of the Governor in Council,

"promote, organize and co-ordinate different forms of voluntary assistance with a view to the most effective use of personal services or material contributions for the prosecution of the war and the welfare of the nation,"

And whereas in order to give effect to the provisions of the Department of National War Services Act, 1940, in relation to the promotion, organization and co-ordination of different forms of voluntary assistance, it is deemed expedient to provide that the Minister of National War Services be directed and empowered to exercise and perform the powers and duties of the Minister under the War Charities Act, 1939.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Secretary of State, with the concurrence of the Minister of National War Services and under the authority of the Public Service Rearrangement and Transfer of Duties Act, Revised Statutes of Canada, 1927, Chapter 165, is pleased to transfer and doth hereby transfer the powers and duties imposed upon the Secretary of State of Canada under the War Charities Act, 1939, to the Minister of National War Services.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing transfer of children from the United Kingdom—P.C. 3027 rescinded

P.C. 3869

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 13th day of August, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by reason of the conditions presently existing or which may arise in Great Britain and Northern Ireland, it has been deemed advisable to facilitate and assist in the movement of children to Canada and the Government of Canada has offered to assist the Government of the United Kingdom in such movement and to exercise supervision over their welfare while they remain in Canada;

And whereas the Government of the United Kingdom has accepted the offer of the Government of Canada;

And whereas numbers of children are being moved to Canada otherwise than under the assisted scheme and may require some protection and care;

And whereas the Governments of the Provinces have offered to extend to the Government of Canada every co-operation and assistance to enable it fully and effectually to carry out its responsibilities in respect to the movement of such children, their placement, care and welfare while in Canada, and have agreed to provide and make available all their existing staffs and other facilities they may have or that might be offered to them from any source whatsoever which might be usefully employed in connection with such work;

And whereas it is deemed advisable that agreements should be entered into between the Government of Canada and the Governments of the Provinces, setting out as fully as it is possible at this time the obligations, undertakings and responsibilities of each government in respect to the placement, care and welfare of such children;

And whereas in order to facilitate the work in all the Provinces and for other reasons, it is desirable that there should be set up a Committee representative of all Canada to advise the Government in respect to any and all matters relating to the welfare of the children and to assist it in discharging its responsibilities in connection therewith.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and pursuant to the powers conferred on the Governor in Council by the War Measures Act, Chapter 206, R.S.C. 1927, is pleased to order and it is hereby ordered as follows:—

1. The Immigration Branch of the Department of Mines and Resources, under the direction of the Minister of such Department, shall have general administration and charge in Canada of the distribution, placement, care and welfare of the children.

2. The Minister of Mines and Resources shall have full power and authority

(a) with the approval of the Governor in Council to enter into agreements with all or any of the Provinces in Canada, in respect to any of the matters referred to in the preamble hereof, and to pay for all costs and charges incurred by the Provinces which the Dominion agrees thereunder to assume.

(b) to incur such expenditures as may be necessary to fully discharge the responsibilities of the Government of Canada and with the approval of the Governor in Council appoint any additional temporary officers, clerks and employees that may be required therefor and to determine their rates of compensation and the conditions of employment.

(c) with the approval of the Governor in Council to enter into contracts and agreements for the acquisition of lands and buildings by purchase, lease or otherwise.

3. All expenditures incurred hereunder shall be a charge against the fund provided by the War Appropriation Act, 1940.

4. There shall be set up a Committee called the National Advisory Committee for Children from Overseas to consist of The High Commissioner for the United Kingdom of Great Britain and Northern Ireland, or a person nominated by him, and representatives from each of the Provinces of Canada to be appointed by the Minister of Mines and Resources and, with the exception of the first mentioned representative, to be changed by him from time to time as may be deemed necessary and advisable. The Chairman of the said Committee shall be appointed by the Minister of Mines and Resources and the Committee shall have its headquarters in Ottawa and shall meet from time to time at the call of the Chairman.

5. The Committee shall be responsible to and from time to time shall advise and report to the Minister of Mines and Resources in respect to any matter relating in any way to the welfare of the Children and shall, subject to the approval of the Minister, have authority to organize and carry out appeals for funds to help defray the costs incurred hereunder. All funds collected in any way shall be held by the Committee and shall be used,

(a) to meet the expenditures incurred by it in connection with the administrative expenses of the Committee or for other purposes approved by the Minister;

(b) to help pay any expenditures incurred by the Government.

6. The Committee may, if it considers it necessary so to do, appoint one or more sub-committees in any Province and select the members thereof. The sub-

committees shall be composed of not more than three members, one of whom shall be one of the representatives of the Committee from such Province.

7. The Minister of Mines and Resources is hereby authorized to pay, if necessary, all or any part of the administration expenses of the Committee as well as the travelling or other out-of-pocket expenses of any member thereof.

8. Order in Council P.C. 3027 dated the 9th day of July, 1940, is hereby rescinded.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council amending agreement marketing and processing of surplus
apples grown in Nova Scotia during 1940**

The Canada Gazette, September 21, 1940

P.C. 3886

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 7th day of September, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council dated the 26th day of April, 1940 (P.C. 1586) the Minister of Agriculture was authorized, under the authority of the War Measures Act, and subject to the approval of the Governor in Council and to the provisos and limitations therein prescribed, to enter into negotiations leading to an agreement with the Nova Scotia Apple Marketing Board Limited with respect to the marketing and processing of surplus apples grown in the Province of Nova Scotia during the year 1940;

And whereas the Minister of Agriculture states the Agricultural Supplies Board has reported the advisability of continuing during the marketing year 1940-41 the assistance extended in 1939 under the authority of the War Measures Act with respect to apples of certain varieties, grades and sizes only and recommends that the regulations, made by Order in Council dated the 27th day of December, 1939 (P.C. 4355) vesting certain powers in the Nova Scotia Apple Marketing Board Limited, be extended to the marketing of the 1940 apple crop.

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture, is pleased to amend paragraphs (b) and (c) of clause one of the regulations made by Order in Council dated the 27th day of December, 1939 (P.C. 4355) and they are hereby amended by deleting the date "1939" where same appears therein and substituting the date "1940" therefor;

The Deputy of His Excellency in Council on the same recommendation and under the authority of the War Measures Act, is hereby pleased to approve the agreement attached hereto and to authorize the execution thereof by the Minister of Agriculture.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

BETWEEN:

THE NOVA SCOTIA APPLE MARKETING BOARD LIMITED, a body corporate and politic having its Head Office in the Town of Kentville, in the Province of Nova Scotia, hereinafter called the "Board"

OF THE FIRST PART

AND

HIS MAJESTY THE KING IN THE RIGHT OF CANADA and represented herein by the Honourable the Minister of Agriculture, hereinafter called the "Minister"

OF THE SECOND PART

Whereas the Minister has been authorized under the authority of the War Measures Act as a food conservation measure to assist in the marketing and processing of surplus apples in Nova Scotia in the manner and to the extent hereinafter mentioned through the medium of a Selling Agency, by or through which the entire crop of apples of varieties, grades and sizes specified in the schedule hereto shall be marketed, processed or otherwise shipped or delivered as the Minister may direct.

Now, therefore, in consideration of these presents the parties hereto covenant and agree each with the other as follows:

1. The Board covenants and agrees

- (a) to accept from every commercial grower of apples in Nova Scotia his entire crop of apples of the varieties, grades and size specified in the schedule hereto and to market or dispose of same in accordance with the terms and conditions hereinafter set out;
- (b) to market in Canada for the account of the growers and independently of this agreement not less than one hundred thousand barrels of apples of the varieties, grades and sizes specified in the schedule hereto; provided, however, that such apples shall not be shipped into the Provinces of Quebec or Ontario at prices below the f.o.b. prices mentioned in the schedule hereto if the resultant delivered prices have a demoralizing effect upon the returns of unassisted growers in those provinces and, if the Minister so requires, will curtail or discontinue such shipments for whatever period he may direct;
- (c) to market in European and Mediterranean countries for the account of the Minister and elsewhere outside of Canada for the account of the growers, any possible quantity of apples of varieties, grades and sizes specified in the schedule hereto;
- (d) to receive for the account of the growers all moneys paid by the Minister for the balance of apples of the varieties, grades and sizes specified in the schedule hereto, hereinafter referred to as "government apples";
- (e) to conduct a pool for equalization of the returns to growers of moneys received from the sales of apples for their account and after deducting all necessary and proper disbursements and expenses to make payment to the growers in accordance with such pooling arrangement;
- (f) to maintain separate accounting records of all government apples and moneys received therefor together with such supporting vouchers and other records as may be necessary for the purpose of any audit which may be required;

- (g) to submit to the Minister for each calendar month and for the season a statement in detail of apples received and marketed and of the government apples delivered for storage, processing or otherwise as the Minister may direct;
- (h) to observe all provisions of the Fruit, Vegetables and Honey Act and the Meat and Canned Foods Act and the regulations thereunder and any law or regulation of the Province of Nova Scotia respecting the packing, marketing or processing of apples;
- (i) to arrange for the processing of such quantity or quantities of government apples as the Minister may from time to time authorize, under conditions that the processing shall be done:—
 - (i) according to approved methods of drying and canning and, whenever the Minister has specified special processing or packing, only by processors equipped therefor;
 - (ii) at processing charges to be authorized by the Governor in Council;
 - (iii) in premises otherwise unengaged for the time being in processing other than government apples, with such processing and packing to be completed before other processing is commenced or resumed;
 - (iv) with the government apples and processed products at all times kept separate and identified.

2. The Minister agrees

- (a) to pay to the Board for account of the growers the prices set out in the schedule hereto as f.o.b. warehouse prices for all apples shipped to storage or otherwise at the Minister's direction, upon submission after the end of each calendar month of accounts in triplicate accompanied by the railway shipping bills or warehouse certificates;
- (b) to pay to the Board for account of the growers the prices set out in the schedule hereto as delivered prices for all apples delivered to processing plants at the Minister's direction, upon submission after the end of each calendar month of accounts in triplicate accompanied by the processors' receipts in triplicate for such deliveries; provided that the total quantity of apples for which the Minister agrees to compensate the Board under paragraphs (a) and (b) of this clause shall not exceed 1,147,000 barrels;
- (c) to pay to the Board, upon submission after the end of each calendar month of accounts in triplicate for quantities of processed apples shipped on sale or to storage or otherwise at the Minister's direction, processing charges to be authorized hereunder which shall be inclusive of all costs between delivery of fresh apples to the processing plant and railway or other approved acceptance of the processed product;
- (d) to pay to the Board a storage allowance of one-eighth cent per complete week per case of processed product remaining on hand with the Board or the processor beyond thirty days after the completion of processing and packing for shipment.

3. Notwithstanding anything contained in clause two hereof the Minister may suspend payment of part or the whole of any account pending investigation as to the quantity or quality of any delivery of fresh apples or processed product.

4. Further, notwithstanding anything contained in clause 2 hereof, if, in the opinion of the Minister, the Board, its sub-agents, or growers fail to live up to the spirit and intent of this agreement and, without limiting the generality

of the foregoing, if in particular there is in the opinion of the Minister unreasonable failure to deliver apples of suitable pack, grade and quality as and when required for export, the Minister may penalize the Board by reducing the prices contained in the schedule to this agreement and in particular he may reduce the prices to be paid for apples delivered for processing by such amounts as he deems fair and just.

5. The Minister further agrees that, if and when all the apples placed under his guarantee, in accordance with clause 2 of this agreement, have been sold or otherwise disposed of, any sum of money remaining to the credit of the Minister's account, after all guaranteed prices, storage and processing costs and all other costs incidental to this agreement have been provided for, such sum shall be paid by the Minister to the Board.

In witness whereof the parties hereto have hereunto set their hands and seals.

.....
The Nova Scotia Apple Marketing Board Ltd.

.....
Minister of Agriculture.

*Schedule to agreement between the Minister of Agriculture and the Nova Scotia
Apple Marketing Board for the marketing of specified varieties, grades
and sizes of apples grown in Nova Scotia in 1940.*

Scheduled prices represent 80 per cent of the three-year average (1936-7-8) return per barrel (F.O.B. Warehouse) of a packed-out basis and include Marketing Board administration costs.

Varieties	Number Ones			Domestics	
	2½ inches up	2¼-2½ inches	2-2¼ inches	2½ inches up	2¼-2½ inches
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Baldwin.....	2 39	2 07	1 74	1 76	1 38
Ben Davis.....	2 29	2 14	1 88	1 49
Blenheim.....	1 98	1 85	1 50
Cox Orange.....	4 90	5 33	3 95	3 38	3 62
Gano.....	2 59	2 36	2 02	1 70
Golden Russet.....	3 41	3 30	2 65	2 55	2 40
Greening.....	2 37	1 56	1 67
Gravenstein.....	2 02	1 99	1 73	1 38
King.....	2 61	2 42	2 11
McIntosh Red.....	2 78	2 73	2 33	2 26	1 92
Nonpareil.....	2 03	1 94	1 63
Northern Spy.....	2 70	2 42	1 83	2 19	1 70
Ribston.....	2 26	2 46	2 02	1 82	1 79
Stark.....	2 24	1 75	1 88
Wagener.....	2 54	2 40	1 55	1 98	1 81
Wolf River.....	1 72	1 79	1 34
Arctic.....	2 10	1 88	1 66
Baxter.....	2 05	1 95	1 57
Black Twig.....	2 40	2 02	1 78
Bramley Seedling.....	3 14	2 39	2 34
Canada Baldwin.....	2 18	2 25	1 95
Cortland.....	2 53	1 93	1 64	1 86	1 82
Delicious.....	3 52	3 38	2 88	2 44	2 37
Early Williams.....	2 22	2 06	1 98
Fallawater.....	1 95	1 56	1 54
Jonathan.....	2 88	2 98	2 24	2 23	2 31
Red Gravenstein.....	2 88	2 71	2 18	2 20	1 96
Red King.....	2 80	2 62	2 11
Red Russet.....	2 43	2 33	1 42	1 96	1 69
Red Stark.....	2 48	2 08	2 10
Rome Beauty.....	3 38	2 82	2 12	2 56	2 06
Salome.....	2 41	2 28	1 72	1 70	1 49
Spitzenburg.....	2 57	2 43	1 98
Tolman Sweet.....	2 15	2 03	1 70
Wealthy.....	2 22	1 97	1 55
Wellington.....	2 52	1 97	1 84
York Imperial.....	2 87	2 90	2 18	2 32	2 15

Order in Council stating that Fair Wages and Hours of Labour Act, 1935,
not to apply to labour re construction of National Defence projects

P.C. 3947

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 15th day of August, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Labour reports that, in order to provide accomodation and training facilities for men who will be called for training in pursuance of The National Resources Mobilization Act, 1940, and for personnel of The Canadian Active Service Force, the construction of a large number of buildings at each of the Training Centres to be established, and elsewhere, is urgently necessary;

That in order to have these buildings and other facilities available at the time when they will be required, it is necessary that construction be expedited to the fullest possible extent, and that the working hours of the persons employed on such construction be not subject to the limitations set out in paragraph (b), subsection (1) of Section 3 of The Fair Wages and Hours of Labour Act, 1935, Chapter 39 of the Statutes of Canada, 1935.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to the provisions of paragraph (b), subsection (1) of Section 3 of the said Fair Wages and Hours of Labour Act, 1935, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is hereby pleased to order, and to provide as a special case, that the provisions of the said paragraph (b), subsection (1) of Section 3 of The Fair Wages and Hours of Labour Act, 1935, shall not apply to persons employed on the construction of the buildings and Defence Projects to be constructed at the several places set out in the Schedule hereto annexed and at such other places as may be designated by the Minister of National Defence as locations for Training Centres or troop concentrations.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

LOCATION OF TRAINING CENTRES

Military district	Sites
1	Kitchener, Ontario. Woodstock, Ontario. Chatham, Ontario.
2	Brantford, Ontario. Long Branch, Ontario. North Bay, Ontario. Oshawa, Ontario (or Aurora).
3	Brockville, Ontario. Cornwall, Ontario. Peterborough, Ontario.
4	Farnham, Quebec. Huntingdon, Quebec. Joliette, Quebec. Sherbrooke, Quebec.

LOCATION OF TRAINING CENTRES—*Concluded*

Military district	Sites
	St. Jerome, Quebec.
	Sorel, Quebec.
	St. Hyacinthe, Quebec.
	Valleyfield, Quebec.
5	Valcartier, Quebec.
	Chicoutimi, Quebec.
	Megantic, Quebec.
	Levis, Quebec.
	Montmagny, Quebec.
	Rimouski, Quebec.
6	Yarmouth, Nova Scotia.
	New Glasgow, Nova Scotia.
	Charlottetown, P.E.I.
7	Fredericton, New Brunswick.
	Edmundston, New Brunswick.
10	Portage la Prairie, Manitoba.
	Brandon, Manitoba.
	Fort William, Ontario.
11	Vernon, British Columbia.
	Victoria, British Columbia.
12	Regina, Saskatchewan.
	Dundurn Camp, Saskatchewan.
13	Red Deer, Alberta.
	Camrose, Alberta.
	Grand Prairie (Peace River District).

DEFENCE PROJECTS OTHER THAN TRAINING CENTRES

Accommodation for Brigade Group at Sussex, New Brunswick.

Accommodation for 3rd Division at Debert, Nova Scotia.

Construction of buildings for the Accommodation of a Brigade near Nanaimo, British Columbia.

Order in Council consolidating Regulations Respecting Trading with the Enemy

The Canada Gazette, August 30, 1940

P.C. 3959

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 21st day of August, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Secretary of State of Canada, concurred in by the Minister of Finance, and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order as follows:—

1. The "Regulations respecting Trading with the Enemy, 1939", established by Order in Council P.C. 2512 of 5th September, 1939, as amended, are hereby cancelled.

2. The attached "Consolidated Regulations Respecting Trading with the Enemy (1939)", marked "A", are hereby made and established in substitution of the regulations hereby cancelled.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

NOTE:—These regulations are printed by the Custodian of Enemy Property.

Order in Council authorizing Regulations *re* leave of absence and pay of Civil Servants while on compulsory military duty—P.C. 1276, June 20, 1922, and P.C. 1672, August 25, 1923, cancelled

P.C. 3996½

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 20th day of August, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Finance submits that:

- (1) Regulations should be enacted respecting those members of the Public Service who are called out for compulsory military training under the provisions of the National Resources Mobilization Act.
- (2) Order in Council P.C. 1276 of June 20th, 1922, authorized regulations respecting civil servants ordered to attend annual training of a Militia Unit.
- (3) These regulations were extended to the Naval Volunteer Reserve and Air Force units by P.C. 1672 of August 25th, 1923.
- (4) It is desirable that members of the Public Service called out for training under the National Resources Mobilization Act and members of the Public Service undertaking voluntary training in Militia Units, the Naval Volunteer Reserve and Air Force auxiliary units, should be accorded uniform treatment.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under authority of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to order as follows:

1. Order in Council P.C. 1276 of June 20th, 1922, and Order in Council P.C. 1672 of August 25th, 1923, are hereby cancelled;

2. The following Regulations are hereby made, established and substituted for the provisions of the Orders in Council hereby cancelled, provided that leave already authorized under the said Orders in Council shall not be affected.

REGULATIONS

- (1) Any person employed in the Public Service of Canada may be granted leave of absence without pay from his civil position during the period he, as a member of a Militia Unit, the Naval Volunteer Reserve, the Auxiliary Active Air Force or under the National Resources Mobilization Act, is called out for training, and for such period of training shall be entitled only to the Military pay attached to his rank, provided that when such training is taken during his period of annual leave, or outside of his regular hours of civilian duty, he may be paid both civil and military pay.
- (2) Leave of absence granted to a permanent employee under this order shall not affect his seniority nor be treated as having deferred any statutory increases in compensation which he otherwise would have been eligible to receive.
- (3) Leave of absence granted to a temporary employee under this order shall not affect his seniority or preclude his permanent appointment at the date he would otherwise be eligible for such appointment.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending National Registration Regulations

P.C. 4079

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 21st day of August, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Acting Minister of National War Services reports that since the adoption of the National Registration Regulations, 1940 (P.C. 3156 of July 12, 1940), and certain amendments thereto, it has become apparent that certain additions and amendments to the said Regulations are required;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National War Services and in virtue of the powers vested in the Governor in Council by *The Department of National War Services Act, 1940*, and the *War Measures Act*, is pleased to amend the National Registration Regulations, 1940, as amended, and they are hereby further amended as follows:—

1. By adding thereto the following Regulations to be inserted immediately after Section 24 thereof,—

24A. Every person who without lawful reason or excuse, the proof of which shall lie upon him, has in his possession

(a) a registration certificate or document purporting to be such registration certificate, which registration certificate or document was not lawfully issued to him pursuant to these regulations; or

(b) a blank form of registration certificate or printed paper purporting to be such blank form of registration certificate

shall be guilty of an offence and liable upon summary conviction to imprisonment for any term not exceeding three years and not less than six months.

24B. Every person who without lawful authority or excuse, the proof of which shall lie upon him, prints or makes a registration certificate or any printed paper purporting to be a blank form of registration certificate, shall be guilty of an offence and liable upon summary conviction or upon indictment to imprisonment for any term not exceeding three years and not less than six months.

2. By adding to Section 38 thereof the following,—

- (5) Every employer aforesaid shall, on or before a day to be fixed by the Minister, report to the Department of National War Services, the name, address and occupation of every person employed by such employer required by these regulations to register and to state in such report the name and number of the electoral district and polling division shown on the registration card of every such employee and every employer who refuses, fails or neglects without lawful excuse, to report as required by this sub-section, shall be guilty of an offence and liable to a fine not exceeding Two Hundred Dollars (\$200.00) or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council appointing Thomas Arnold, Machine Tools Controller and approving regulations respecting Machine Tools

The Canada Gazette (Extra), September 18, 1940

P.C. 4101

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 22nd day of August, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under and by virtue of The Department of Munitions and Supply Act, the Minister of Munitions and Supply has, among other duties, the duties of organizing the resources of Canada contributory to and the sources of supply of munitions of war and supplies and the agencies available for the supply of the same and of mobilizing, conserving and co-ordinating the economic and industrial facilities available in respect of munitions and supplies for the effective prosecution of the present war;

And whereas it is deemed necessary to conserve and co-ordinate the supply of machinery and machine tools required for the manufacture of munitions of war or supplies and to regulate the sale and distribution of the same, in order to fulfil the present and potential needs of Canada and her Allies and for such purpose to appoint a Machine Tools Controller with the powers hereinafter set forth;

Now, therefore, the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply and pursuant to the powers conferred by the Department of Munitions and Supply

Act and by the War Measures Act, is pleased to appoint and doth hereby appoint Thomas Arnold, Esquire, of the City of Montreal, in the Province of Quebec, as Machine Tools Controller.

The Deputy of His Excellency in Council, on the same recommendation and under the above cited authority is pleased to make the following regulations respecting Machinery and Machine Tools and they are hereby made and established accordingly:—

REGULATIONS RESPECTING MACHINERY AND MACHINE TOOLS

1. For the purpose of those Regulations,—

- (a) "Minister" shall mean the Minister of Munitions and Supply;
- (b) "Machine Tools" shall mean and be deemed to include machinery of every kind, machine tools, jigs, dies and gauges now or hereafter made or in course of being made;
- (c) "Machine Tools Controller" shall mean the person from time to time appointed as such by the Governor in Council.

2. The Machine Tools Controller shall have power,—

- (a) To buy, take possession of, or otherwise acquire, make, store, transport, allocate, distribute, sell, exchange or otherwise dispose of and generally to deal in machine tools;
- (b) To enter on any land and into any plant, factory, building or place for the purpose of inspecting any machine tools and to take possession of any such machine tools;
- (c) To enter on, take possession of and utilize any land, plant, factory, building or place used or capable of being used for making or storing machine tools and to take possession of any vehicles, cars, trucks, locomotives or other means of transportation required for any purposes in connection with the operation of the aforesaid plant, factory, building, or place, or the transportation of machine tools;
- (d) To take possession of any machine tools wherever found;
- (e) Subject to the approval of the Minister from time to time, to fix maximum prices or maximum mark-ups at which different types of machine tools may be sold or offered for sale;
- (f) To issue and re-issue permits and licences to any person, firm, or corporation, buying, selling, making, storing, transporting, importing, exporting, installing or in any way dealing in or using machine tools, and to suspend, cancel or refuse to issue any such permit or licence whenever the Machine Tools Controller deems it to be in the public interest to do so and, subject to the approval of the Minister, to fix the fees payable for the issue of such permits and licences and to prescribe the manner, procedure, terms and conditions under which such permits and licences shall be obtained;
- (g) To prohibit any or every person, firm or corporation from buying, selling, making, storing, transporting, exporting, importing, installing or otherwise dealing in or using machine tools unless licensed by the Machine Tools Controller;
- (h) To prohibit or restrict under such conditions as the Machine Tools Controller may see fit, any or every person, firm or corporation from making any alterations to or installing any machine tools in any plant, factory, building or place, unless licensed by the Machine Tools Controller;
- (i) To construct or make any structural change or addition to any plant, factory or building for the purpose of or to be used in any way in connection with the making of machine tools;

- (j) To regulate the types of machine tools to be made, stored, transported, exported, imported or otherwise dealt with or used by any or every person, firm or corporation;
- (k) To give directions to any person, firm or corporation owning or having power to dispose of or being in possession of machine tools to produce to any person, authorized for the purpose by the Machine Tools Controller in writing, any specified books or documents and to permit the person so authorized to make copies of or take extracts from any such books or documents, and when the Machine Tools Controller deems necessary, to remove any such books or documents;
- (l) To require from time to time any person, firm or corporation owning or having power to dispose of or being in possession of machine tools to furnish in such form and within such time as the Machine Tools Controller may prescribe written returns under oath or affirmation showing such information as the Machine Tools Controller may deem necessary;
- (m) To require any person, firm or corporation owning or having power to dispose of or being in possession of or having power to make, store, transport, sell or dispose of machine tools, to make, store, transport, sell, dispose of or otherwise deal with such machine tools in such manner as may be specified, and in priority to any other business of such person, firm or corporation or otherwise as may be specified; provided that the compensation, if any, to be paid shall in default of agreement between such person, firm or corporation and the Minister be determined by the Exchequer Court on a reference thereto by the Minister;
- (n) Subject to the approval of the Governor in Council, to advance moneys to any person, firm or corporation engaged in the business of making, transporting, buying and/or selling machine tools for the purpose of assisting such person, firm or corporation in the carrying on of such business;

3. If the Machine Tools Controller takes possession of any machine tools or any other real or personal property, the consideration to be paid in respect thereof in default of agreement, shall be such in the case of machine tools, as is prescribed by the Machine Tools Controller with the approval of the Minister and in the case of other property, shall be such as is determined by the Exchequer Court on a reference thereto by the Minister.

4. Any person, firm or corporation who contravenes or fails to observe any regulation or any prohibition, permit, licence or requirement of the Machine Tools Controller or who or which in any manner, hinders or obstructs the Machine Tools Controller in the exercise of any of his powers, shall be guilty of an offence under the Department of Munitions and Supply Act.

His Excellency in Council is hereby further pleased to direct that there be paid to the said Thomas Arnold as such Machine Tools Controller:

- 1. His actual out of pocket expenses incurred in connection with his duties aforesaid;
- 2. The administration expenses incurred by him in the exercise of the powers aforesaid, including travelling expenses of any person acting under his authority.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Order in Council appointing Herbert James Symington, Power Controller
and approving regulations respecting power

The Canada Gazette (Extra), September 18, 1940

P.C. 4129

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 23rd day of August, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under and by virtue of the Department of Munitions and Supply Act, the Minister of Munitions and Supply has, among other duties, the duties of organizing the resources of Canada contributory to and the sources of supply of munitions of war and supplies and the agencies available for the supply of the same and of mobilizing, conserving and co-ordinating the economic and industrial facilities available in respect of munitions and supplies for the effective prosecution of the present war;

And whereas it is deemed necessary to conserve, co-ordinate and regulate the power resources and the power industry of Canada in order to fulfil the present and potential needs of Canada and her allies, and for such purpose to appoint a Power Controller with the powers hereinafter set forth;

Now, therefore, the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply and pursuant to the powers conferred by the Department of Munitions and Supply Act and by the War Measures Act, is pleased to appoint and doth hereby appoint Herbert James Symington, K.C., of the City of Montreal in the Province of Quebec as Power Controller.

The Deputy of His Excellency in Council, on the same recommendation and under the above cited authority is pleased to make the following regulations respecting Power and they are hereby made and established accordingly:—

REGULATIONS RESPECTING POWER

- (1) For the purpose of these regulations—
 - (a) "Minister" shall mean the Minister of Munitions and Supply;
 - (b) "Power" shall include hydraulic, electrical, steam, gas or other power and shall also include energy;
 - (c) "Power Controller" shall mean the person from time to time appointed as such by the Governor in Council;
 - (d) "Works" shall include all property, dams, storage reservoirs, works, plant, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment constructed, acquired or used in the generation, transformation, transmission, distribution, supply, delivery, sale or use of power;
 - (e) "Supplier" shall mean and include any individual, firm, body, corporation, association, trust, syndicate, municipal corporation, municipal department, governmental body or authority engaged in the generation, transformation, transmission, distribution, delivery, sale or supply of power;

- (2) The Power Controller shall have power—
- (a) To control throughout Canada the production, generation, transformation, transmission, distribution, supply, delivery, sale or use of power to ensure the best possible utilization thereof;
 - (b) To restrict or prohibit use of power by any persons; to apportion power amongst the users thereof; to grant priority to some of them; the whole so as to obtain such use as to the Power Controller may seem to be the most advantageous;
 - (c) To oblige any supplier to produce and supply power at such rate as he shall indicate up to the full capacity of the supplier and to direct any suppliers to interconnect their systems;
 - (d) To hear and decide any controversy between a supplier and a user concerning any matter over which jurisdiction is given to the Power Controller by this Order;
 - (e) To decide to whom, at what price and under what conditions any such power shall be produced or supplied by a supplier;
 - (f) To define how priority shall be granted to certain users or classes of users of power and how the apportioning of power among such users shall be determined;
 - (g) To restrict or prohibit use of power for certain purposes;
 - (h) To vary any contract between a supplier and user or between suppliers;
 - (i) Subject to the approval of the Governor in Council to give such instructions and orders as he may think fit to any body or authority, whether Dominion or Provincial, having jurisdiction over suppliers or users; to delegate to any such body or authority any of the powers and authorities hereby vested in the Power Controller and from time to time at pleasure to revoke or renew any such delegation;
 - (j) Subject to the approval of the Governor in Council to prohibit or reduce the import or export of power from Canada; to enter into, inspect, buy, take possession of, or otherwise acquire any works as herein defined or any property of any nature whatsoever capable of being used as such works;
 - (k) To issue and reissue permits or licences to any supplier and to suspend, cancel or refuse to issue any such permit or licence whenever the Power Controller deems it in the public interest so to do and subject to the approval of the Minister to fix the fees payable for the issue of such permits and licences and to prescribe the manner, procedure and terms and conditions under which such permits and licences shall be obtained;
 - (l) To prohibit any supplier from generating, transforming, transmitting, distributing, supplying, delivering, selling or using power unless licensed by the Power Controller;
 - (m) To prohibit the construction or the making of any structural change in or addition to any works or the operation of any new works without a permit;
 - (n) To regulate the type or kind of power to be produced in any works;
 - (o) To require any supplier to produce to any person authorized for the purpose by the Power Controller in writing any specified books or documents and to permit the person so authorized to make copies of or take extracts from any such books and documents;
 - (p) To require from time to time any supplier or user to furnish him in such form and within such time as the Power Controller may prescribe written returns under oath or affirmation showing such information as the Power Controller may deem necessary;

(q) Subject to the approval of the Governor in Council to advance moneys to any supplier;

(r) To do anything necessary to carry out the powers herein conferred;

(3) Any supplier or other person prevented from executing or carrying out a contract relating to power by the above regulations or the exercise of any of the powers herein conferred shall be exempt from all responsibility respecting such contract, notwithstanding the provisions of any laws, whether Dominion or Provincial, or the regulations or orders of any governmental authority or board or of the provisions of any such contract.

(4) The compensation to be paid to any supplier or user for damages (if any) occasioned by interference with contracts by reason of the above regulations or the exercise of any of the powers herein conferred, shall be such as may be agreed upon between such supplier or user and the Power Controller, or in default of agreement shall be such as is determined by the Exchequer Court on a reference thereto by the Minister.

(5) If the Power Controller takes possession of any works, the compensation in respect thereof shall in default of agreement be such as is determined by the Exchequer Court on a reference thereto by the Minister.

(6) Any person who contravenes or fails to observe any regulation or any prohibition, permit, licence or requirement of the Power Controller, or who, in any manner, hinders or obstructs the Power Controller in the exercise of his powers, shall be guilty of an offence under The Department of Munitions and Supply Act.

The Deputy of His Excellency in Council is hereby further pleased to direct that there be paid to the said Herbert James Symington as such Power Controller—

- (1) his actual out-of-pocket expenses incurred in connection with his duties aforesaid;
- (2) the administration expenses incurred by him in the exercise of the powers aforesaid, including travelling expenses of any person acting under his authority.

(Sgd.) H. W. LOTHROP,

Asst. Clerk of the Privy Council.

Government Notice

The Canada Gazette (Extra), August 24, 1940

DEPARTMENT OF JUSTICE

To all to whom these presents shall come or whom the same may in anywise concern, GREETING:

Whereas Regulation 3 (1) of the Defence of Canada Regulations provides, *inter alia*, that if, as respects any premises, it appears to the Minister of Justice to be necessary or expedient, in the interests of the safety of the State or the efficient prosecution of the war, that special precautions should be taken to prevent the entry of unauthorized persons, he may by order declare those premises to be a protected place for the purposes of the said Regulations; and so long as the order is in force, no person shall, subject to any exemptions for which provision may be made by the Order, be in those premises without the permission of such authority or person as may be specified in the order.

And whereas it has been represented to the undersigned that in view of the increasing importance of the home defence and training establishments of the Royal Canadian Air Force, it is expedient that proper legal authority be pro-

vided to permit the officers charged with the responsibility of protecting such places to take whatever action they consider necessary to prevent sabotage and spying activities.

Know you that in pursuance of the power granted as aforesaid, the undersigned, the Minister of Justice, is pleased to declare and doth hereby declare that all Royal Canadian Air Force Stations, Aerodromes, Depots and other establishments be protected places for the purposes of said Regulation 3 of the Defence of Canada Regulations.

And I do hereby direct that the authority or person referred to in said Regulation 3 (1), as the authority or person empowered to grant exemptions from the provisions of this Order, shall be the Minister of National Defence for Air.

And I do hereby further direct that this Order be published in *The Canada Gazette*.

Dated at the Department of Justice, at the City of Ottawa, this twentieth day of August, in the year of Our Lord, one thousand nine hundred and forty.

ERNEST LAPOINTE,
Minister of Justice.

Order in Council establishing National War Services Regulations, 1940

P.C. 4185

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 27th day of August, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas it is now deemed necessary and expedient for securing the defence of Canada and the efficient prosecution of the present war, that regulations be made providing that unmarried men and widowers without child or children between the ages of twenty-one years and forty-five years inclusive, shall be liable to undergo and perform military training within Canada and the territorial waters thereof as required of them by proclamation of The Governor in Council.

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National War Services and in virtue of the powers vested in the Governor in Council by The National Resources Mobilization Act, 1940, and the War Measures Act, is pleased to make the annexed regulations, entitled The National War Services Regulations, 1940, and they are hereby made and established accordingly.

The Deputy of His Excellency in Council, on the same recommendation is hereby further pleased to order that whenever in the said regulations provision is made for the enforcement thereof by means of summary conviction or indictment, then each of the Courts of the several Provinces having jurisdiction to entertain proceedings by way of summary conviction or indictment, shall be deemed to be the Courts prescribed by the Governor in Council for the enforcement of such regulations.

(Sgd.) H. W. LOTHROP,
Assistant Clerk of the Privy Council.

NOTE: National War Services Regulations, 1940, published by Department of National War Services.

Order in Council approving regulations for grant of Memorial Cross to
Widows and Mothers

P.C. 4210

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 27th day of August, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas after the Great War 1914-18, the Government found it desirable to issue a Silver Cross, known as the Memorial Cross, to the Mothers and Widows of Canadian sailors and soldiers who had died whilst on active service or whose deaths subsequent to discharge from the forces, were considered attributable to active service, as a Memento of personal loss and sacrifice on the part of the aforementioned Mothers and Widows;

And whereas the Minister of National Defence submits that this Memento of personal loss and sacrifice was highly prized and appreciated by the recipients, and as owing to the state of War now existing similar conditions have arisen, it is desirable that provisions be made for the grant of the Memorial Cross to the Mothers and Widows of those members of the Naval, Military or Air Forces of Canada who died whilst on Active Service or whose deaths subsequent to discharge, are attributable to Naval, Military or Air Service.

Now, therefore, the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding any other Act, Law, or Regulation is hereby pleased to authorize and establish a Memorial Cross and to make the regulations pertaining to said Memorial Cross as set out hereunder.

REGULATIONS

Reason of Issue

1. A Memorial Cross will be issued as a Memento of personal loss and sacrifice on the part of Widows and Mothers of Canadian sailors, soldiers, or airmen who have laid down their lives for their country during the present war.

Description of Cross

2. The Cross will be a cross patonce in silver, suspended by a purple ribbon; at the end of the upright a crown; at the foot, and at the end of either arm, a maple leaf; in the centre, within a wreath a laurel, with royal cipher "G.R.I.". It will be engraved with the number, rank and name of the sailor, soldier or airman commemorated.

3. A cross will be issued to his widow or mother in respect of every sailor, soldier or airman who was survived by either. If both survive him, two crosses will be issued, one to each.

4. If after becoming entitled to the cross the widow or mother has died or dies, the cross will be delivered to the eldest of the sailor's, soldier's or airman's next-of-kin.

In respect of whom issued

5. The cross will be issued in respect of each sailor or soldier or airman who (a) was killed, in action, (b) died whilst on active service, (c) died or dies from causes attributable to active service while on naval, military or air service or subsequent to discharge, provided where death occurs subsequent to discharge, the Memorial Cross will be issued to the Widow only if she was married to the sailor, soldier or airman at the time of discharge.

Proof required

6. Every applicant for the issue of a cross must produce such proof of death, service and eligibility as may be required by the Minister of National Defence.

Authority

7. The decision of the Minister of National Defence in all matters pertaining to the issue of the Cross will be final.

8. In the foregoing paragraphs:—

- (a) "Widow" includes the legal widow of the sailor, soldier, or airman killed and the unmarried widow who is pensionable by reason of the sailor's, soldier's or airman's death, but does not include a widow as so defined who:
 - 1. Is known to be of dissolute character.
 - 2. Was at the time of the sailor's, soldier's or airman's death, separated from him by agreement or legal process.
- (b) "Mother" means the woman who gave birth to the sailor or soldier or airman.
- (c) "Sailor" means any person male or female who served in any branch of the Naval Forces of Canada or who having been ordinarily resident in Canada on the 10th September, 1939, served in the Naval Forces of His Majesty or of any of his Allies.
- (d) "Soldier" means any person male or female who served in the Canadian Active Service Force or who having been ordinarily resident in Canada on 10th of September, 1939, served in the military forces of His Majesty or of any of His Allies.
- (e) "Airman" means any person male or female who served in the Royal Canadian Air Force or who having been ordinarily resident in Canada on 10th September, 1939, served in the air forces of His Majesty or of any of His Allies.

The Deputy of His Excellency in Council is further pleased to direct that these Regulations shall be published in the *Canada Gazette*, but they shall be so published only with the consent of the Minister of National Defence and upon being so published, they shall be deemed to have come into force and effect as of and from the 1st September, 1939.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council approving regulations re licences for storage of wheat

P.C. 4215

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 27th day of August, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Trade and Commerce reports that harvesting of wheat is now general in the western provinces, and that owing to war conditions there is not sufficient storage capacity available to look after the new crop, and that in his opinion it is essential that steps be taken to provide additional storage;

Now therefore The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and in virtue of the provisions of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and of any other law in force in Canada, is pleased to make the following regulations and they are hereby made and established accordingly:

REGULATIONS

1. The Board of Grain Commissioners for Canada is hereby authorized to grant supplementary licences for the storage of wheat notwithstanding anything contained in the Canada Grain Act, but subject to such rules and regulations as the Board may make or establish from time to time.

2. Such licence shall be granted only to the holder of a regular country elevator licence under the Canada Grain Act, and may be terminated at any time the Board of Grain Commissioners considers it desirable to do so.

3. The premises under any such licence shall be weatherproof, of such substantial construction as to justify their use for such purposes, and shall be free from rats and vermin or taint.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council establishing War Contracts Depreciation Board—
certificates of depreciation

The Canada Gazette, September 7, 1940

P.C. 4217

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 27th day of August, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Revenue represents that contractors may not incur capital expenditures unless they are reasonably assured that an allowance in respect of depreciable assets, acquired or constructed for war purposes, will be allowed by way of special depreciation when determining income

tax liability, over a period shorter than that which would be allowed due to ordinary wear and tear by use of the capital assets concerned, and therefore in the interests of Canada and the furtherance of the war effort, it is advisable that a Board with duties and powers as hereinafter set out should be established, composed of one member of the Department of Munitions and Supply, one member of the Income Tax Division and one member to be selected from outside the Government Service to act as Chairman of the Board;

Therefore the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, and having regard to the provisions of the Income War Tax Act, and the Excess Profits Tax Act, is pleased to order that a Board, to be known as the "War Contracts Depreciation Board", composed of

The Honourable Charles Patrick McTague, of the Supreme Court of Ontario, as Chairman;

Mr. Francis Henry Black, C.A., of the Department of Munitions and Supply; and

Mr. Robert Ferrier Burns, C.A., of the Income Tax Division; be and it is hereby established.

The deputy of His Excellency the Governor General in Council, on the same recommendation, is hereby further pleased to order that the powers and duties of the said Board, or their successors appointed by the Governor in Council, and the regulations under which the Board shall act, shall be as follows:

1. To determine if the contract is a "War Contract" as defined in the initial Regulations hereunder;

2. To determine that the capital expenditures incurred were in connection with the fulfilment of the terms of the said "War Contract" and necessarily incidental thereto;

3. To determine the amount of the capital expenditures made;

4. To issue a certificate, substantially in accordance with the form hereto attached, based on the evidence secured and referred to therein;

5. To determine what part, if any, of the said capital disbursements have no reasonable post-war value, and thereby to determine the amount of such capital expenditures upon which special depreciation may be allowed;

6. To determine in any case or cases which they think advisable the annual rate or other rate of depreciation to be used in respect of any capital expenditure incurred under a War Contract, and in the absence of such determination by the Board, the Minister of National Revenue shall set the rate of depreciation.

7. To require contractors holding War Contracts to supply such evidence as may be required by the Board to make the determinations necessary for the issuing of a Certificate, substantially in accordance with the form hereto attached, to the Minister of National Revenue, certifying as to the facts upon and in respect of which special depreciation may be given.

8. To issue such Regulations from time to time hereafter, with the approval of the Minister of National Revenue, as may be necessary to carry out the purpose and intent of this order in council.

INITIAL REGULATIONS

1. (a) A "War Contract" shall be deemed to include any contract with the Dominion Government, the British Government or the Government of any of the Allies or their authorized agents, entered into for the purpose of securing war supplies of any nature from contractors who are

required to expend capital sums in the construction or purchase of capital assets constructed or acquired after September 9, 1939, for the purpose of fulfilling any such contract, provided the assets are subject to depreciation by way of use in effecting fabrication and delivery of the said supplies.

- (b) A contract entered into as a sub-contract under the above described contracts, or in furtherance thereof, which requires the construction or purchase of capital assets within the terms of the above, shall be deemed to be within the meaning of the term "War Contract".
- (c) The term "War Contract" shall also extend to contracts entered into between subject and subject contracting for war purposes and constructing or purchasing capital assets which are subject to depreciation and which can be certified to by the Board as in the Regulations referred to, as being wholly necessary for the carrying out of war contract work, and that such capital assets will not have any reasonable post-war value to the contractor.
- (d) The term "War Contract" shall not include any contract entered into prior to the 9th September, 1939, unless the Board and the Minister of National Revenue are satisfied that in all other respects except as to date, the contract is within the terms set forth above.

2. A Certificate of *SPECIAL DEPRECIATION MAY BE*

- (a) given to any company in respect of the cost of self-paid-for capital depreciable assets acquired for the production of war materials, excluding assets having a reasonably full post-war use;
- (b) confined to war time construction or assets acquired specifically for war purposes.

3. A certificate may issue when the terms of the War Contract provide specifically that depreciation is to be secured through the medium of the unit purchase price.

4. A certificate may issue when the War Contract is silent as to the terms of depreciation.

5. A certificate of *SPECIAL DEPRECIATION SHOULD NOT BE*

- (a) given where the contractor recovers the cost of capital assets separately and directly as such
 - (i) in a lump sum;
 - (ii) by instalments;
 - (iii) on engineer's progress reports.
- (b) given if the capital assets are paid for by the Government under any "cessation of hostilities" clause contained in the contract. The Board shall certify in all such cases the character or nature of the payments made and the extent thereof. If a certificate has already been issued, it should be cancelled.

6. Sub-contractors under principal War Contracts may be dealt with in exactly the same manner as principal contractors holding War Contracts and special depreciation will only be allowed if sub-contractors produce evidence satisfactory to the Board and upon which the Board might issue a certificate to the Minister of National Revenue.

7. In all cases the certificate of the Board shall be without force or effect if the Minister of National Revenue finds that the contractor has failed hereafter to—

- (a) keep separate accounts in respect of the particular capital assets concerned;
- (b) maintain the identity of the physical capital assets in his financial records.

8. Special Depreciation granted under any certificate shall be in lieu of normal depreciation usually allowed.

The Deputy of His Excellency in Council is hereby further pleased to direct that the Board shall be supplied with a Secretary and such additional clerical help as may be required, the appointments to be made to the Income Tax Division and seconded to the Board for service.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

DOMINION OF CANADA WAR CONTRACTS

CERTIFICATE ON WHICH TO BASE SPECIAL DEPRECIATION

To the Minister of National Revenue,
Department of National Revenue.

Inasmuch as Section 6 of the Income War Tax Act provides that the Minister in his discretion may allow extra depreciation in the case of plant and equipment built or acquired to fulfil war orders for war purposes, this is to certify that—

1. A War Contract was made

BETWEEN:

.....
(Government body concerned)
.....
(Contractor)
.....
(Subcontractor)

The . . . contract is dated the day of 1940.

2. Capital assets of a depreciable character were constructed or acquired entirely at the expense of the . . . contractor and

- (a) They were necessary for the performance of the said War Contract;
- (b) They were not purchased or constructed prior to the commencement of the present war;
- (c) It is believed that they will not have a reasonably full post-war business value;
- (d) They were erected, installed or purchased to fulfil the terms of the War Contract after the commencement of the present war and have been used therefor to the date hereof;
- (e) They cost in cash \$. of which special depreciation is to be allowed on \$. thereof;

(f) The respective group-costs and general description by classes or categories of the capital assets paid for and used in fulfilling the terms of the . . . contract have been verified by an affidavit of a duly authorized officer of the . . . contractor.

. 3. The terms of the said War Contract—

- (a) provide specifically for reimbursement of depreciation through the medium of the unit purchase price for the war materials;
- (b) are silent as to depreciation being reimbursed through the unit purchase price paid for the war materials;
- (c) provide for payment of the said capital assets as such, apart from the unit purchase price paid for the war materials.

(Inapplicable paragraphs to be struck out and initialled.)

(Identify (a), (b) or (c) with essential terms of the contract by explanation.)

4. No reimbursement of capital expenditures incurred has been or is to be made, other than through the medium described in Item 3 () above.

5. The annual rate of depreciation shall be per cent of Item 2 (a), or alternatively shall be as selected by the contractor under regulation 9.

Dated at OTTAWA, this day of 1940.

.....
(Government body concerned)

This is the Certificate issued in respect of the above..... contractor.

Order in Council establishing War Technical and Scientific Development Committee

P.C. 4260

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by the Deputy of His Excellency the Governor General on the 27th August, 1940.

The Committee of the Privy Council have had before them a report, dated 27th August, 1940, from the Minister of Trade and Commerce, stating that certain patriotic Canadian citizens of substantial means have indicated their desire to donate considerable sums of money for the furtherance of specific proposals relating to Canada's war effort.

The Minister, with the concurrence of the Minister of National Defence, the Minister of National Defence for Air, the Minister of National Defence for Naval Services, the Minister of Munitions and Supply and the Minister of National War Services, represents that donations of this kind can be most usefully employed in providing the means for the initiation, expansion or completion of certain projects to be selected from a list formulated by the President of the National Research Council;

That it is expedient that the decision as to the allocation of these funds should be taken by a Committee appointed for that purpose, and to be known as the War Technical and Scientific Development Committee;

That the Committee should be composed of representatives of the National Research Council and of the Public Service of Canada; and

That in recognition of their generosity and interest in the work of the Committee, the Committee should be empowered to invite donors, or their nominees, to become temporary honorary members of the Committee from time to time for periods to be fixed by the Committee.

The Committee, therefore, on the recommendation of the Minister of Trade and Commerce, with the concurrence of the Ministers aforesaid, advise that, under the provisions of the War Measures Act, a Committee, to be known as the War Technical and Scientific Development Committee, be hereby established, and that the following persons be appointed to membership thereon:

Dean C. J. MACKENZIE,

Sir FREDERICK G. BANTING, K.B.E.,

Professor OTTO MAAS,

Representatives of the National Research Council;

Colonel A. A. MAGEE,

Department of National Defence;

J. S. DUNCAN, Esquire,

Department of National Defence for Air;

R. A. C. HENRY, Esquire,

Department of Munitions and Supply;

Major-General L. R. LAFLECHE,

Department of National War Services;

GEORGES BOUCHARD, Esquire,

Department of Agriculture;

H. L. KEENLEYSIDE, Esquire,

Department of External Affairs;

Representatives of the Public Service of Canada;

That the Committee be authorized to accept donations of money to be used in the furtherance of Canada's war effort and to allocate the funds thus received for expenditures on projects to be selected from a list presented and revised from time to time by the President of the National Research Council;

That the Committee be empowered to appoint temporary, honorary non-voting members from among the donors to the fund or their nominees from time to time for periods to be fixed by the Committee;

That donations be placed to the credit of the Receiver General of Canada in a special account in the name of the War Technical and Scientific Development Committee, and that the Comptroller of the Treasury be authorized to transfer from the said special account to the National Research Council such sums as may be approved by the said Committee from time to time for expenditure by the said Council on selected projects.

(Sgd.) H. W. LOTHROP,

Asst. Clerk of the Privy Council.

Order in Council conferring powers of senior police officer on certain
R.C.M. Police, provincial and municipal police officers

P.C. 4304

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 30th day of August, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas sub-paragraph (h) of paragraph (1) of regulation 2 of the Defence of Canada Regulations defines "senior police officer" to mean certain senior officers therein referred to and

"any person upon whom the powers of a senior police officer are for the purposes of these Regulations conferred by the Governor in Council."

And whereas paragraph (1) of regulation 58 of the said Regulations provides for the issuing of a search warrant in connection with war offences to any senior police officer;

And whereas by Order in Council P.C. 2929 of the twenty-ninth day of September, 1939, non-commissioned officers and constables of the Royal Canadian Mounted Police, owing to difficulties in many localities in having present a senior officer, were for the purposes of carrying out the provisions of paragraph (1) of the said regulation 58 deemed to be senior police officers within the meaning of sub-paragraph (h) of paragraph (1) of the said regulation 2;

And whereas sub-inspectors of the Royal Canadian Mounted Police are not included in the definition of 'senior Police officer,' nor are they included within the classes referred to in the said Order in Council P.C. 2929;

And whereas the Minister of Justice states that it is considered desirable that the powers of a senior police officer should be conferred upon sub-inspectors of the Royal Canadian Mounted Police, sub-inspectors, non-commissioned officers and constables of every provincial police force, and every chief of police of a municipal police force for the purposes of carrying out the provisions of paragraph (1) of the said regulation 58 for the reason that it is difficult in many localities to have present at every search a senior officer.

Now, therefore, the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and pursuant to the provisions of sub-paragraph (h) of paragraph (1) of regulation 2 of the Defence of Canada Regulations is hereby pleased to confer the powers of a senior police officer, for the purposes of paragraph (1) of regulation 58 of the said Regulations, upon sub-inspectors of the Royal Canadian Mounted Police, sub-inspectors, non-commissioned officers and constables of every provincial police force, and every chief of police of a municipal police force.

(Sgd.) H. W. LOTHROP,

Asst. Clerk of the Privy Council.

Order in Council amending Defence of Canada Regulations—certain
privileges to ships

The Canada Gazette, September 14, 1940

P.C. 4440

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 7th day of September, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State for External Affairs, with the concurrence of the Ministers of Transport, Trade and Commerce, National Revenue and National Defence for Naval Services, submits:

- (a) That arrangements are being made by the Governments of the other member of the British Commonwealth to adopt measures designed to impose further economic pressure upon the enemy;
- (b) That, under these arrangements, provisions are being made for restricting the according of certain privileges to ships that are engaged in operations which are in the Allied interest, or not contrary to such interest;
- (c) That it is expedient that provision should be made whereby the according of special privileges to ships that are engaged in operations which are not in the Allied interest or contrary to such interest may be prevented, whether in Canadian ports, or in Canadian waters, or on the high seas from Canadian ports or Canadian waters.

Therefore the Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, with the concurrences as aforesaid, and under and by virtue of the power vested in the Governor in Council by the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is pleased to make the following Defence of Canada Regulation, and it is hereby made and established accordingly:—

REGULATION

44. A. (1) No person shall furnish, whether in Canada, including Canadian ports and Canadian waters, as defined by the Customs Act, or on the high seas, any privileges to any ship unless such ship possesses a licence issued by or under the authority of the Commissioner of Customs.

(2) The furnishing of privileges, for the purpose of this Regulation, shall include the furnishing of goods or services necessary or desirable for the operation of the ship, and, without restricting the generality of the foregoing, shall include bunker (oil, coal, or other fuel), ship's stores, water, repair facilities, war risk and marine insurance, admiralty and other charts, facilities for cable communications, and financial transfers.

(3) Any person who furnishes privileges to any ship, contrary to the provisions of this Regulation, shall be guilty of an offence against this Regulation.

(4) In any prosecution for an offence against this Regulation, in which the accused person justifies the furnishing of privileges to a ship upon the ground that the ship possessed a licence issued by or under the authority of the Commissioner of Customs, the burden of proof shall be upon the accused person, to establish that the ship was in possession of such a licence and that the accused person or his servant or agent examined the licence before furnishing the privileges to the ship.

The Deputy of His Excellency the Governor General in Council, on the same recommendation, is hereby further pleased to direct:

That licences under the foregoing Regulation may be issued or withheld by the Commissioner of Customs, through the Collectors of Customs, acting in consultation with the Canadian Shipping Board, and in accordance with such regulations as may be made for the purpose by the Minister of National Revenue.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Amended by P.C. 5189 September 26, 1940. (Deletion of words "Defence of Canada" and "Regulation.")

Order in Council authorizing agreement—marketing of apples grown in the Okanagan Valley during 1940

The Canada Gazette, September 21, 1940

P.C. 4493

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 7th day of September, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under the authority of the War Measures Act, the Minister of Agriculture was authorized by Order in Council dated the 27th day of October, 1939 (P.C. 3349) to enter into an agreement with respect to the marketing of apples grown in the Okanagan Valley of the Province of British Columbia during the year 1939;

And whereas the Minister of Agriculture reports that by reason of the loss of export markets and other restrictions consequent upon the war, it is desirable and expedient to assist the growers of apples in the Okanagan Valley to market their 1940 crop and that on the basis of the quantity of apples likely to be subject to the provisions of the agreement, it is estimated that the sum of \$1,662,500 may be required;

Now, therefore, the deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under authority of the War Measures Act, is hereby pleased to approve the attached agreement with the British Columbia Fruit Board and to authorize the execution thereof by the Minister of Agriculture.

The Deputy of His Excellency in Council is hereby further pleased to authorize the appropriation, out of the sum of \$2,532,875, part of the War Appropriation, Department of Agriculture, to provide assistance in disposal of agricultural products rendered surplus by the war, of the sum of \$1,662,500 for said purpose.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

MEMORANDUM OF AGREEMENT entered into this _____ day
of _____, 1940.

BETWEEN:

BRITISH COLUMBIA FRUIT BOARD, a body politic under the Natural Products Marketing (British Columbia) Act and having its Head Office in the City of Kelowna, in the Province of British Columbia, hereinafter called the "Board"

OF THE FIRST PART

AND

HIS MAJESTY THE KING, in right of Canada and herein represented by the Honourable the Minister of Agriculture, hereinafter called the "Minister"

OF THE SECOND PART.

Whereas because of losses of export markets and other restrictions resulting from the war the Board is confronted with the practical impossibility of marketing a substantial portion of the apples grown in British Columbia in 1940 which normally would be marketed in countries at present in the war zone;

And whereas the Minister has been authorized under the War Measures Act to enter into an agreement with the Board to safeguard the growers in part against losses which otherwise seem inevitable;

Now therefore in consideration of these presents the parties hereto covenant and agree each with the other as follows:—

1. The Board agrees

- (a) to effect all possible reductions of the marketing costs within its control and to influence all possible reductions of other costs with a view to promoting the maximum home consumption of apples, particularly in Western Canada;
- (b) to sell to the Minister or for his account, apples to the maximum quantity and on the terms specified in Clause 2 of this agreement;
- (c) to make arrangements with the processors for the processing of such quantity or quantities and varieties of apples (hereinafter referred to as Government apples) as the Minister may from time to time specify upon condition that the processing shall be carried out:—
 - (i) according to approved methods of drying and canning and, whenever the Minister has specified special processing of packing, only by processors equipped therefor;
 - (ii) at processing charges to be authorized by the Governor in Council;
 - (iii) in factories unemployed for the time being in processing and packing any other than Government apples, such processing and packing to be subject to the condition that the processing and packing of Government apples be completed before the processing and packing of other apples is commenced or resumed;

- (iv) in such manner that the Government apples and products processed therefrom shall at all times be kept separate and distinguished from other apples and products processed therefrom.
- (d) as directed by the Minister, to pack, store and deliver and to sell for the Minister's account, the quantities of apples in respect of which the Minister has given an undertaking to the Board under Clause 2 of this agreement, less any apples processed in accordance with the provisions of clauses 1 (c) and 2 (a) of this Agreement.
- (e) to sell or deliver apples for export to the United Kingdom or other European or Mediterranean countries only for the Minister's account; provided that if and when apples to the maximum quantity in respect of which the Minister has given an undertaking under Clause 2 of this agreement less any quantity processed in accordance with the provisions of Clause 1 (c) and 2 (a) of this agreement shall have been exported, the Board shall be at liberty to sell and export apples to the United Kingdom or other European or Mediterranean countries for its own account.

2. The Minister agrees to pay the Board for not more than 1,750,000 boxes of apples (or their unpacked equivalent) sold to the Minister or for his account as follows:—

- (a) the sum of \$25 a ton for not more than 5,000,000 tons of graded apples of specified varieties delivered to processors with whom the Board may make acceptable arrangements for processing and packing, for the Minister's account, in accordance with the provisions of Clause 1 (c) of this agreement;
- (b) the f.o.b. warehouse prices set out in the schedule hereunder for apples of the varieties, grades and sizes therein specified, when delivered or sold according to the Minister's direction:—

SCHEDULE

All prices herein specified are f.o.b. warehouse prices and for sizes from 138 to 216 apples per box

- (i) for apples sold for export through normal trade channels:

	<i>Extra Fancy Grade</i>	<i>Fancy Grade</i>	<i>Grade "C"</i>
	per box	per box	per box
Delicious	\$1.12	\$0.98	\$. . . .
Jonathan	1.05	.96
McIntosh	1.04	.95
Newtown	1.18	1.08	0.91
Rome Beauty96	.94	.78
Stayman	1.00	.93	.73
Winesap	1.06	.97	.79

- (ii) for apples sold through any agency of the Government of Canada or of the Government of the United Kingdom, the above prices less 5 cents per box;
- (iii) for apples loose-stored and jumble-packed for domestic distribution, the above prices less 10 cents per box, or if such apples are sold through or to any agency of the Government of Canada, the above prices less 15 cents per box.
- (c) the price of \$14 a ton for the variety "Jonathan" to the extent that the quantity thereof delivered or sold to the Minister pursuant to paragraphs (a) and (b) of this Clause falls short of 500,000 boxes.

3. The Minister agrees to make payments to the Board as follows:—

- (a) in respect of payments under Clause 2 (a) of this agreement, upon submission after the end of each calendar month, of accounts in triplicate accompanied by the processors' receipts in triplicate for the quantities of apples delivered to them;
- (b) in respect of payments under Clause 2 (b) of this agreement, upon submission after the end of each calendar month, of accounts in triplicate accompanied by shipping bills or warehouse receipts;
- (c) in respect of payments (if any) under Clause 2 (c) of this agreement, on or before March 31, 1941, or as soon thereafter as the amount (if any) payable can be ascertained;
- (d) upon submission after the end of each calendar month of accounts in triplicate for quantities of processed apples shipped on sale or to storage or otherwise at the Minister's direction, such processing charges as may be authorized;
- (e) a storage allowance of one-eighth of a cent for a complete week per case of processed products remaining on hand with the Board or the processor beyond thirty days after the completion of processing and packing for shipment, upon submission after the end of each calendar month, of accounts in triplicate accompanied by such documents as the Minister may require.

4. The Minister further agrees that if and when apples delivered or sold to the Minister or for his account in accordance with the provisions of Clause 2 of this agreement have been sold or otherwise disposed of, any sum of money remaining to the credit of the Minister's account after all prices, storage and processing charges agreed to be paid by the Minister under this agreement and all other costs incidental to this agreement have been recovered shall be paid by the Minister, subject to the approval of the Governor in Council, to the Board.

5. All moneys received by the Board for the Minister's account shall be forthwith deposited in a chartered bank of Canada, to the credit of the Receiver General of Canada and a deposit receipt therefor transmitted by registered mail to the Minister.

6. Notwithstanding anything contained in Clauses 2 and 3 hereof the Minister may suspend payment of part or the whole of any account pending investigation as to the quantity or the quality of any delivery of fresh apples or processed products.

In witness whereof the parties hereto have hereunto set their hands and seals.

.....
British Columbia Fruit Board.

.....
Minister of Agriculture.

Order in Council authorizing regulations governing disposal of apples by
the British Columbia Fruit Board

The Canada Gazette, September 21, 1940

P.C. 4494

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 7th day of September, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas His Majesty the King in the right of Canada entered into an agreement, under the authority of the War Measures Act, with Okanagan Federated Shippers Association Incorporated for the marketing of apples grown in the Okanagan Valley in the Province of British Columbia during the year 1939;

And whereas the Minister of Agriculture reports that it is desirable and expedient that, as a result of the absence of ocean-going cargo space resulting in a loss of export markets and other restrictions consequent upon the war, a further agreement be entered into with the British Columbia Fruit Board as the Selling Agency for the marketing of the 1940 crop;

That it is also desirable that the said British Columbia Fruit Board conduct a pool for the equalization of returns in order that all growers shall participate on an equal basis;

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of the War Measures Act, is pleased to make the attached regulations and they are hereby made and established accordingly.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

REGULATIONS

DEFINITIONS

1. In these regulations, unless the context otherwise requires,—

- (a) "apples" means apples grown in the Okanagan Valley excepting varieties maturing earlier than Wealthy in the year 1940;
- (b) "Board" means the British Columbia Fruit Board;
- (c) "Okanagan Valley" means that part of the Province of British Columbia lying east of the 121st meridian of west longitude and south of the 51st parallel of north latitude.

POWERS OF THE BOARD

2. (i) The Board shall have the exclusive right to sell, ship or transport apples for delivery outside of the Okanagan Valley or to designate the agency by or through which apples may be sold, shipped or transported for delivery outside of the Okanagan Valley and all apples sold, shipped or transported for such delivery after the coming into force of these regulations shall be deemed to have been sold, shipped, transported or delivered by the Board.

- (ii) The Board shall be exclusively entitled to receive payment of the sale price of all apples sold, shipped or transported for delivery outside the Okanagan Valley after the coming into force of these regulations and the Board is duly authorized on receiving payment to give release of all claims made or to be made in respect of the sale price of apples so sold, shipped or transported.
- (iii) The Board shall be entitled to recover any moneys hereafter paid to any person other than the Board on account of the sale price of apples sold, shipped or transported for delivery outside the Okanagan Valley.

POOLING OF RECEIPTS

3. (i) The Board shall have authority to conduct and shall conduct a pool for the equalization of returns from sale of apples after deducting all necessary and proper assessments and expenses; such pooling arrangement to be on the basis of like returns for apples of the same variety, grade, size and marketability.

- (ii) No shipper shall be entitled to receive or claim from the Board any sum of money for apples other than on the basis of equalized returns.

EXPORT OF APPLES

4. No person other than the Board shall sell for delivery, ship or export apples out of the Okanagan Valley.

INSPECTION CERTIFICATES

5. Notwithstanding anything contained in the Fruit, Vegetables and Honey Act or any regulation made thereunder, no inspection certificate shall be issued under the Fruit, Vegetables and Honey Act to any person other than the Board or a nominee of the Board.

These regulations shall come into force on the date of publication in the *Canada Gazette*.

Order in Council stating War Veterans' Allowance not applicable to nationals of any country at war with Canada

P.C. 4499

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 7th day of September, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the War Veterans' Allowance Act provides that any veterans who fought in the Great War in the Forces of His Majesty or of His Majesty's Allies is eligible for assistance thereunder, provided he was domiciled in Canada at the time of his enlistment;

And whereas one of His Majesty's former Allies in the Great War, viz:—Italy, has now declared war against His Majesty, the question arises as to whether persons of Italian nationality who have not become naturalized Canadians should nevertheless be entitled to receive benefits under the aforesaid Act;

And whereas the Minister of Pensions and National Health is of opinion that all persons who are nationals of any country at war with Canada and who have not become naturalized Canadians should be excluded from receiving any benefits under the War Veterans' Allowance Act;

Therefore the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health and under and by virtue of the War Measures Act, (Chap. 206 of the Revised Statutes of Canada, 1927), and notwithstanding anything to the contrary contained in the War Veterans' Allowance Act or in any other Act or Regulation, is pleased to make the following Regulation and it is hereby made and established accordingly:

REGULATION

"An allowance shall not be awarded or continued in payment under the provisions of the War Veterans' Allowance Act to or in respect of any person, not being a naturalized Canadian subject, who is a National of any country against which Canada has been declared to be in a state of war."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

NOTE: This Order in Council cancelled by P.C. 324, January 17, 1941.

Order in Council amending regulations—protective equipment on mercantile ships of Canadian registry

P.C. 4535

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 11th day of September, 1940.

PRESENT:

The Deputy of
HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 1358 of the 5th April, 1940. Regulations were made whereby ships registered in Canada would be obliged to provide themselves with such special equipment as may, from time to time, be ordered by Naval authorities for the purpose of protecting personnel on board against machine gun attack from enemy aircraft before being permitted to proceed to sea;

And whereas the above-mentioned Order in Council made no provision for the cost of installation of such equipment, and that such cost has not, up to the present, been a charge against Government funds;

And whereas the Minister of National Defence for Naval Services reports that the Government of the United Kingdom has assumed responsibility for any expenses involved in the installation of such equipment in ships of British registry, and that it is not considered equitable that owners of ships registered in Canada should be placed at a disadvantage as compared with ships of British registry.

Therefore the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence for Naval Services,

is pleased to order that Paragraph 1 of the said Regulations made by Order in Council P.C. 1358, of the 5th April, 1940, be and it is hereby cancelled and the following is substituted therefor:

"These regulations shall apply to all ships registered in Canada whose owners are notified by competent Canadian Naval authority that they are required to provide protection on board their ships for personnel exposed to machine gun attack by enemy aircraft. All expenses properly incurred in connection with installation of such protective equipment when supported by vouchers or other proof showing to the satisfaction of the competent Canadian Naval authority that such expenses have been so incurred shall be a charge against Canadian Government funds."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council

**Order in Council authorizing control of 1940 crop of fibre flax seed—
conditions *re* granting of licences**

P.C. 4614

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 11th day of September, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Agriculture reports that he has received the following representations from the Agricultural Supplies Board:—

1. That it is estimated Canadian production of fibre flax seed in 1940 will total 38,500 bushels of Certified and 62,500 bushels of Uncertified seed;

2. That the Ministry of Northern Ireland has agreed to purchase all seed not required for planting in Canada in 1941 at the following prices f.o.b. Canadian mills—

No. 1 Certified.. . . .	\$6.00 per bushel,
No. 1 Uncertified.. . . .	4.25 per bushel,
No. 2 Uncertified.. . . .	4.00 per bushel;

3. That it is estimated the surplus available for export to Northern Ireland will be 20,000 bushels Certified and 35,000 bushels Uncertified; and

4. That in order to assure that all surplus seed of the above grades available will be delivered to the Ministry of Northern Ireland and that seed retained in Canada will be used constructively in 1941 planting, it is desirable that control of the 1940 crop be established similar to that authorized in respect to the 1939 crop by Order in Council dated the 5th day of October, 1939 (P.C. 2906).

Therefore the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of the War Measures Act, is pleased to order and doth hereby order that licences for export of fibre flax seed be withheld unless recommended by the Agricultural Supplies Board;

The Deputy of His Excellency the Governor General in Council, on the same recommendation and under the authority of the War Measures Act, is hereby further pleased to authorize—

1. The Agricultural Supplies Board to prohibit the holding in possession in storage or the sale, for seeding in Canada or for export, of fibre flax seed produced in 1940 unless it has been produced from a crop inspected during the growing season by an Inspector of the Department of Agriculture and would grade No. 1 Certified, No. 1 Uncertified or No. 2 Uncertified;

2. The Agricultural Supplies Board to purchase at the following prices f.o.b. mills all fibre flax seed of the under-mentioned grades produced in 1940:

No. 1 Certified.. . . .	\$6.00 per bushel,
No. 1 Uncertified.. . . .	4.25 per bushel,
No. 2 Uncertified.. . . .	4.00 per bushel;

3. The Agricultural Supplies Board to sell fibre flax seed for export and to Canadian farmers in areas organized for flax production and to acquire all necessary facilities for the storage of such seed until sold or exported;

4. That, to effect these purchases during the present fiscal year, the sum of \$450,000 be chargeable against the item of \$750,000 set aside for the purchase, storage and distribution of agricultural supplies and being part of the War Appropriation allocated to the Agricultural Supplies Board, on the understanding that arrangements be made between the said Board and the Comptroller of the Treasury to assure the eventual repayment to the Treasury of the credit hereby provided.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing regulations to enforce control and eradicate growth of Dodder in fibre flax or other field crops

P.C. 4615

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 11th day of September, 1940.

PRESENT:

The Deputy of

His EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Agriculture reports on the recommendation of the Agricultural Supplies Board,

1. That Dodder, a parasitic and particularly objectionable and noxious weed which spreads rapidly and is difficult to control, has recently appeared in existing crops of fibre flax in certain localities of the Province of Quebec;

2. That, in response to requirements consequent upon the war, fibre flax is being extensively grown in Quebec and that, unless adequate measures are immediately adopted to control and eradicate this particular weed, the production of fibre flax will be seriously affected;

3. That the Noxious Weed Act of the Province of Quebec does not at present enable the province to adopt essential arbitrary control measures in affected areas and that such Act cannot be amended until the next session of the Provincial Legislature; and

4. That, in the meantime, it is advisable and expedient that requisite authority to take every necessary action be vested in the Minister of Agriculture of the Province of Quebec, his Deputy Minister, inspectors and officials.

Therefore the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture, and under and by virtue of the authority of the War Measures Act, is pleased to make the following regulations and they are hereby made and established accordingly:—

REGULATIONS

Definitions

1. In these regulations, unless the context otherwise requires:—

- (a) “Dodder” means a noxious weed of the *Cuscuta* species;
- (b) “Inspector” means an inspector of the Department of Agriculture of the Province of Quebec and designated by the Minister to enforce these regulations;
- (c) “Minister” means the Minister of Agriculture of the Province of Quebec;
- (d) “Official Analyst” means any seed analyst or plant specialist designated as an official analyst by the Minister under these regulations.

2. The Minister shall have the right and authority

- (a) to determine what measures or procedure shall be adopted and enforced within the Province of Quebec to control and eradicate the growth of Dodder in fibre flax or other field crops;
- (b) to order the destruction or other disposition of field crops or products thereof containing Dodder in such manner as will ensure against the continuation and distribution of Dodder seed.

3. Any inspector charged by the Minister with the enforcement of these regulations

- (a) may enter upon any lands or premises for the purpose of inspecting such lands, field crops or products thereof and, upon authority of the Minister, may require the destruction or other disposition of any standing field crop or products thereof which contains or is believed to contain Dodder;
- (b) may take samples for analysis or test of any field crop or product thereof found by him on any lands or premises;
- (c) may place under seizure and detention any field crop or product thereof found by him to contain Dodder.

4. Any person who

- (a) sells or otherwise disposes of any field crop or product thereof which has been seized or placed under detention by any inspector;
- (b) removes, alters or falsely marks any detention tag placed on any crop or product thereof by an inspector;
- (c) wilfully obstructs, hinders, resists or in any way opposes any inspector while in the discharge of his duty;
- (d) fails to perform or comply with any instruction, order or direction given by any inspector with respect to any field crop or product thereof;

shall be guilty of an offence and liable upon summary conviction to a fine of not less than fifty dollars and not exceeding five hundred dollars, or to imprisonment for any time not exceeding three months or to both fine and imprisonment.

5. In any prosecution under these regulations the certificate of test or analysis of an official analyst on any sample of any crop or product thereof submitted for analysis by an inspector shall be accepted as *prima facie* evidence of the particulars therein set out.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing control of rentals by Wartime Prices and Trade Board

The Canada Gazette, September 21, 1940

P.C. 4616

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 11th day of September, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Wartime Prices and Trade Board was constituted to provide safeguards under war conditions against undue enhancement in the prices of food, fuel, clothing and other necessities of life and to ensure an adequate supply and equitable distribution of such commodities;

The Minister of Labour reports that certain complaints have been made to the effect that undue increases in rentals for housing accommodation have taken place in certain localities in Canada;

That in certain localities into which there has been an influx of industrial and military population there is a possibility of undue enhancement of rentals and shortage of housing accommodation;

That the Wartime Prices and Trade Board Regulations made by Order in Council P.C. 3998 of the 15th day of December, 1939, defined necessities of life and prescribed the powers and duties of the said Board;

That housing accommodation is not a necessary of life as defined in the said Regulations and it is deemed to be in the national interest that safeguards under war conditions against undue enhancement of rentals and shortage of housing accommodation be provided and that the powers of the said Board be amplified to provide such safeguards.

Now, therefore, the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and pursuant to the powers conferred on the Governor in Council by the War Measures Act and otherwise, is pleased to order and doth hereby order that the Wartime Prices and Trade Board shall have like powers in respect of rentals and housing accommodation, as such expressions may be defined by the said Board, as it has in respect of necessities of life under the Wartime Prices and Trade Board Regulations the provisions of which shall be deemed to contain the expressions

'housing accommodation,' 'lessor,' 'sub-lessor,' 'sub-lessors,' 'lessee,' 'lessees,' 'sub-lessee,' 'sub-lessees,' 'rent,' 'rents,' 'rental,' 'rentals,' 'rented,' and 'for rent,' wherever any such expression is necessary to cause any such provision to extend and apply to rentals and housing accommodation, or either of them, and that all provisions of the Wartime Prices and Trade Board Regulations shall, *mutatis mutandis*, extend and apply accordingly.

(Sgd. A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending "The Defence Air Regulations, 1940"

P.C. 4626

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 11th day of September, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas in the Regulations to Control the Flying of Civil Aircraft in Canada during War, cited as "The Defence Air Regulations, 1940", made and established by Order in Council, P.C. 1890, dated the 9th of May, 1940, it is provided, in regulation 2 thereof, that no foreign civil aircraft shall be flown over Canada or Canadian waters as defined by the Customs Act unless—

- (a) such aircraft is operated on an international schedule air transport service licensed by the Minister of Transport under Part VII of The Air Regulations, 1938, or
- (b) such aircraft alight and report to Customs and Immigration Inspectors at one of the Customs Airports therein listed, or at certain points, also therein listed, after advance notice of arrival has been given and permission received from Customs Inspectors, or
- (c) such aircraft alight and report to Customs and Immigration Inspectors at other ports of entry or other points in Canada for which permission has been obtained in advance to enter and clear through Customs and Immigration;

And whereas by regulation 3 of the said Regulations, it is provided that application for permission referred to in paragraph (c) of regulation 2 should be made to the Department of Transport, Ottawa, not less than 10 days in advance of the flight so that arrangements with Customs and Immigration authorities may be completed;

And whereas the Minister of Munitions and Supply reports that, in connection with the development of placer mining and other activities in the Yukon Territory, there is considerable travel across the International Boundary between Canada and Alaska, and, with the concurrence of the Department of National Revenue, Customs Division, it is proposed to add Atlin, B.C., and Dawson, Y.T., to the points listed in paragraph (b) of regulation 2 of the said Regulations, at which foreign civil aircraft may alight after advance notice of arrival has been given and permission received from Customs Inspectors.

Therefore The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply, is pleased to amend "The Defence Air Regulations, 1940" and they are hereby amended by striking out paragraph (b) of regulation 2 thereof and substituting therefor, the following,—

"(b) such aircraft alight and report to Customs and Immigration Inspectors at one of the following Customs Airports:—

Moncton, N.B.	
Shediac, N.B.	
Montreal, P.Q.	(St. Hubert)
Toronto, Ont.	(Island or Malton)
Hamilton, Ont.	
Windsor, Ont.	
Winnipeg, Man.	
Lethbridge, Alta.	
Vancouver, B.C.	(Municipal)
Whitehorse, Y.T.	

or at any of the following points after advance notice of arrival has been given and permission received from Customs Inspectors:

Montreal (Fairchild's)	(seaplanes only)
Ottawa, Ont.	(landplanes only)
Kenora, Ont.	(seaplanes only)
Ocean Falls, B.C.	(seaplanes only)
Alert Bay, B.C.	(seaplanes only)
Atlin, B.C.	
Dawson, Y.T.; or "	

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing Proclamation—National War Services Regulations, 1940

P.C. 4671

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by The Deputy of His Excellency the Governor General on the 11th September, 1940.

The Committee of the Privy Council on the recommendation of the Minister of National War Services, advise that a Proclamation do issue in the terms of the annexed draft, calling out certain classes of men to submit themselves for medical examination and to undergo military training for a period of thirty days within Canada or the territorial waters thereof, pursuant to the National Resources Mobilization Act, 1940, The War Measures Act and in accordance with the National War Services Regulation, 1940.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Proclamation

ATHLONE

[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To all to whom these Presents shall come or whom the same may in anywise concern, GREETING:

PROCLAMATION

E. MIALl,

Acting Deputy Minister of Justice, Canada.

Whereas it is provided by The National Resources Mobilization Act, 1940, that the Governor in Council may make from time to time such orders and regulations requiring persons to place themselves, their services and their property at the disposal of His Majesty in the right of Canada for the use within Canada or the territorial waters thereof, as may be deemed necessary or expedient for securing the public safety, the defence of Canada, the maintenance of public order, or the efficient prosecution of the war, or for maintaining supplies or services essential to the life of the community;

And whereas pursuant to the powers therein contained, and the provisions of The War Measures Act, our Governor in Council did on the 27th day of August, 1940, make regulations to provide a system for calling out men for military training within Canada and the territorial waters thereof, such regulations being known as the National War Services Regulations, 1940;

And whereas pursuant to and in accordance with the said Regulations, it has been decided to call out for military training, as aforesaid, every male British Subject who is or has been at any time subsequent to the first day of September, 1939, ordinarily resident in Canada and who, on the 1st day of July, 1940, had reached the age of twenty-one years but had not yet reached the age on that date of twenty-two years or had reached the age of twenty-two years but had not yet reached the age on that date of twenty-three years, or who had reached the age of twenty-three years but had not yet reached the age on that date of twenty-four years, or who had reached the age of twenty-four years but had not yet reached the age on that date of twenty-five years and who was on the fifteenth day of July, 1940, unmarried or a widower without child or children;

Now therefore, know ye that pursuant to The National Resources Mobilization Act, 1940, and the War Measures Act, and pursuant to and in accordance with the National War Services Regulations, 1940, promulgated under the provisions of the said Acts, we do hereby call out the aforesaid classes of men to submit themselves for medical examination and to undergo military training for a period of thirty days within Canada or the territorial waters thereof, and to report at such places and times and in such manner and to such authorities or persons as may be notified to them respectively by a Divisional Registrar of an Administrative Division appointed by the Governor in Council pursuant to the above mentioned regulations.

Of all of which Our Loving Subjects and all others whom these Presents may concern, are hereby required to take notice.

In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Dear Uncle, Our Right Trusty and Right Well Beloved Cousin and Counsellor, ALEXANDER AUGUSTUS FREDERICK GEORGE, Earl of Athlone, Knight of Our Most Noble Order of the Garter, Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Honourable Order of the Bath, Grand Master of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Companion of Our Distinguished Service Order, Colonel in Our Army (retired), having the honorary rank of Major-General, One of Our Personal Aides-de-Camp, Governor General and Commander in Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this eleventh day of September, in the year of Our Lord one thousand nine hundred and forty, and in the fourth year of Our Reign.

By Command,

E. H. COLEMAN,
Under-Secretary of State.

Order in Council extending powers of Power Controller

P.C. 4743

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 13th day of September, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Herbert James Symington, K.C., of the City of Montreal in the Province of Quebec was appointed Power Controller by Order in Council P.C. 4129, dated the 23rd day of August, 1940, passed under and by virtue of the Department of Munitions and Supply Act and the War Measures Act;

And whereas it is deemed necessary that the Power Controller be given the further and additional powers hereinafter mentioned;

Now therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply, and pursuant to the powers conferred on the Governor in Council by the Department of Munitions and Supply Act and by the War Measures Act, is pleased to amend the said Order in Council P.C. 4129, dated the 23rd August, 1940, and it is hereby amended as follows,—

1. The following clause, numbered 7, is hereby added:

- (7) "The Power Controller shall have power to give directions to any person, firm or corporation owning or having possession or control of, or power to dispose of, or manufacturing electrical equipment of every nature and kind requiring such person, firm or corporation to sell, manufacture, finish, store, transport, or otherwise deal with such electrical equipment in such manner as may be specified in such directions and in priority to any other business of such person, firm or corporation, or otherwise as may be specified in such directions; where directions are given to any person, firm or corporation as herein pro-

vided, then the compensation, if any, to be paid shall be such as may be agreed upon between such person, firm or corporation and the Minister, or, in default of agreement the claim for compensation shall be referred to the Exchequer Court."

2. Clause (6) is hereby deleted and the following clause numbered (6) substituted in place thereof:

- (6) "Any person who contravenes or fails to observe any regulation, or any direction, prohibition, permit, licence or requirement of the Power Controller, or who, in any manner, hinders or obstructs the Power Controller in the exercise of his powers, shall be guilty of an offence under The Department of Munitions and Supply Act."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing establishment of four Divisions of
Department of National War Services**

The Canada Gazette, September 21, 1940

P.C. 4748

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 13th day of September, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Parliament of Canada duly enacted the National Resources Mobilization Act, 1940, and thereby authorized the Governor in Council to do and authorize such acts and things and make from time to time such orders and regulations requiring persons to place themselves and services and their property at the disposal of His Majesty in the Right of Canada, as may be deemed necessary or expedient for securing the public safety, the defence of Canada, the maintenance of public order, or the efficient prosecution of the War, or for maintaining supplies or services essential to the life of the community, subject to the restriction that the said power might not be exercised for the purpose of requiring persons to serve in the Military, Naval or Air Forces outside of Canada and the Territorial Waters thereof;

And whereas the Parliament of Canada deemed it expedient to create a Department of National War Services to assist in carrying out the purposes of the said Act, and duly enacted the Department of National War Services Act, 1940;

And whereas it is deemed desirable that the said Department be now so constituted as to carry out the objects and intent of the first above-mentioned Act through the instrumentality of the said department created under the last mentioned act.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National War Services and under and in virtue of the powers conferred by the National Resources Mobilization Act,

1940, and the Department of National War Services Act, 1940, is hereby pleased to authorize the establishment of four Divisions of the said Department of National War Services as follows:

1. (a) A Division to be known as the Division of Human Resources. It shall be the duty of this Division in conjunction with the Bureau of Statistics to tabulate and compile the information secured as a result of the recent National Registration in Canada and, in conjunction with the Department of Labour, to study and report upon the available supplies of labour in Canada and to study and report upon the demands and needs of industry for labour and in a systematic way to aid in directing those seeking employment to employment by employers and toward training facilities which may be available.

It shall be the further duty of this Division to direct the carrying out of the National War Services Regulations, 1940 (Recruits), and to do such other things as the Minister may from time to time direct.

(b) A Division of Material Resources—to conduct such surveys as are necessary to the mobilization of the material resources of the Nation, to aid and direct the development thereof, to aid in the co-ordination of the productive efforts of the industries of the Nation, to aid in the production, maintenance and distribution of the food supplies necessary to the successful prosecution of the war, to study the future industrial development of the Nation and to assist with information necessary to the proper location of industries so that the economy of Canada may be more evenly balanced and, generally, to do all these things and such further and other things as the Minister may direct in and towards the support of Canada's war effort.

(c) A Division to be known as the Division of Voluntary Services to administer the War Charities Act, to co-ordinate, organize and utilize the voluntary effort of the Canadian people, to organize and assist organizations engaged in supporting the war effort of the Nation and to do such further and other things as may be delegated to the said Division by the Minister of the said Department;

(d) A Division to be known as the Division of Publicity to direct the activities of the Bureau of Public Information and to carry out such other duties as may be from time to time delegated to it by the Minister.

His Excellency in Council, on the same recommendation, is further pleased to order and doth hereby order and direct,—

1. That notwithstanding the specific mention of objectives delegated to the said Divisions—there shall be no restriction upon the Minister in his right to direct the said Divisions to do such further and other things as he may deem necessary for the proper and efficient carrying out of the objects of the said Department.

2. That the Director of each of the said Divisions shall be appointed by the Governor in Council on recommendation of the Minister at a salary to be fixed at the time of the appointment of the said Directors.

3. That the Minister of National War Services shall have power further to sub-divide the said Divisions into such branches as he may see fit and with the approval of the Governor in Council, to appoint and fix the remuneration of such officers, clerks and employees as he shall from time to time deem necessary or expedient for the purpose of carrying out the duties of the said Department.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing Defence of Canada Regulations
(Consolidation) 1940

P.C. 4750

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 12th day of September, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2483 of the 3rd day of September, 1939, the Defence of Canada Regulations were made and established;

And whereas the said Regulations have been amended from time to time;

And whereas the Minister of Justice reports that in order to facilitate reference thereto, it is expedient that the said Regulations and amendments be consolidated, reprinted and distributed to law enforcement officers and others.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under and by virtue of the power conferred by the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is pleased to order and doth hereby order as follows:

1. The Defence of Canada Regulations, established by Order in Council, P.C. 2483 of the 3rd September, 1939, as amended, are hereby revoked, effective on and from the coming into force of the Defence of Canada Regulations (Consolidation) 1940.

2. The attached Defence of Canada Regulations (Consolidation) 1940, numbered 1 to 64, inclusive, are hereby made and established in substitution for the Regulations hereby revoked.

3. All orders, rules and by-laws made under the Regulations hereby revoked, shall continue good and valid in so far as they are not inconsistent with the Regulations hereby made and established until such orders, rules and by-laws are revoked, varied or extended.

4. The said Defence of Canada Regulations (Consolidation) 1940, shall be printed and distributed by the King's Printer to the persons whose names appear on the Official Mailing List.

5. The said Defence of Canada Regulations (Consolidation) 1940, shall come into force and have effect upon, from and after the 16th day of September, 1940.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing detention of alien seamen when unwilling to
serve on a ship sailing from Canada

The Canada Gazette, September 28, 1940

P.C. 4751

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 12th day of September, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Mines and Resources reports that some alien seamen arriving on vessels at Canadian ports refuse to perform their lawful duties, or refuse to sail from Canada, or desert from such vessels, or endeavour to influence other seamen to take such unlawful action;

That, owing to war conditions, it is not usually possible to return such alien seamen to the country of their citizenship; and

That the action described is causing a serious shortage of seamen and delaying the departure of vessels carrying materials essential to the prosecution of the war, thus interfering with the security and welfare of Canada.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and under the authority of the War Measures Act, Chapter 206, Revised Statutes 1927, is pleased to order and doth hereby order as follows:

- (1) For the purposes of this Order, unless the context otherwise requires:
 - (a) "Minister" means the Minister of Mines and Resources;
 - (b) "Seamen" includes the master, officers, members of the crew and staff employed on any vessel.
- (2) Without prejudice to the operation of the provisions of the Immigration Act, the Canada Shipping Act, 1934, and the Criminal Code, any alien seaman, whether he has entered Canada legally or not, who deserts or is absent without leave in Canada from the ship on which he is employed, or refuses to sail on such ship or any other ship sailing from Canada on which he has been offered employment, or is reported by the master or agent of the ship for refusing to perform his regular duties on board such ship, or is so reported for inducing or attempting to induce other alien seamen to interfere in any way with the proper operation of the ship on which they are employed, may, by order, be detained at an Immigration Station for the duration of the present war, or until provision may be made for his deportation, or until he is ready and willing and actually proceeds to serve on a ship sailing from Canada.
- (3) In the event of any such person being so detained he may be employed on such labour and in such place as the Minister may from time to time determine.
- (4) The order for detention shall be issued by an Immigration Board of Inquiry or officer acting as such, appointed or authorized as the case may be, by the Minister under the authority of the Immigration Act, after an inquiry and the provisions of the said Act respecting Appointment, Powers and Procedure of Boards of Inquiry shall apply *mutatis mutandis* to such inquiry.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing regulations for disposal of foodstuffs
purchased by Departments of Canadian Government

P.C. 4890

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 17th day of September, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Agriculture reports that it has been necessary to assist growers of foodstuffs in certain districts which, by reason of the war, have lost their export markets, by purchasing or agreeing to purchase such foodstuffs;

That it is desirable that those Departments of the Government which are contract purchasers of foodstuffs should, when arranging to meet their requirements, particularly of fruits and vegetables, give priority to those foodstuffs which are owned by His Majesty or which His Majesty has agreed to purchase through a Department of the Government.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of the War Measures Act, is pleased to make the following regulations and they are hereby made and established accordingly:—

REGULATIONS

1. Whenever any Department of Government has in its possession or control any foodstuffs wholly or partly owned by His Majesty or which His Majesty has agreed to purchase, it shall inform and keep informed any other Department which may or could use such foodstuffs, of the quantity, grade, price and location thereof.

2. Whenever any supplies of fresh, canned or processed foodstuffs are in the possession or control of any Department of Government, they shall be made available for transfer and delivery to any other Department in the quantity and upon whatever terms and conditions may be agreed upon.

3. Whenever any Department of Government is contemplating the purchase of any particular fresh, canned or processed foodstuffs included in any ration schedule, preference shall first be given to the use or substitution therefor of any fresh, canned or processed foodstuff owned by His Majesty or which His Majesty has agreed to purchase, and which is in the possession or control of any other Department.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing regulations for issue of Temporary Masters' Certificates to seamen

The Canada Gazette, October 5, 1940

P.C. 4899

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 19th day of September, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Transport represents that due to the number of seamen engaged in war operations, it is difficult to procure seamen, duly qualified as Masters, under the provisions of the Canada Shipping Act, 1934, to operate vessels of a small tonnage engaged in home trade, inland or minor waters voyages; and

That it is deemed advisable in the circumstances that the Minister of Transport be authorized to grant temporary Certificates as Masters, as hereinafter set out.

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and under authority of the War Measures Act, is pleased to make the following regulation and it is hereby made and established accordingly:—

REGULATION

“Notwithstanding anything contained in the Canada Shipping Act, 1934, the Minister of Transport, during the present war, upon the report of an Examiner of Masters and Mates and upon payment of a fee of Five Dollars, may grant a temporary certificate as Master to an applicant who is a British subject sufficiently qualified by his knowledge and experience, to take charge of a cargo or passenger steamship of not more than forty tons gross tonnage, and, in the case of a passenger steamship, certificated to carry not more than thirty-five passengers, engaged in home trade, or on inland or minor waters voyages within specified limits, provided the said Minister is satisfied that a duly certificated Master cannot be otherwise procured.

The certificate shall describe such steamship and limits. It may be issued for any term not exceeding one year, but may be suspended or cancelled for cause by the Minister.”

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending National War Services Regulations 1940
(Recruits)

The Canada Gazette (Extra), September 21, 1940

P.C. 4957

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 20th day of September, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of National War Services, is pleased to amend the National War Services Regulations, 1940 (Recruits), established by Order in Council P.C. 4185, of August 27th, 1940, and they are hereby amended by the deletion of clauses 1, 2, 3 and 4 of Section 16 and by the substitution therefor of the following:

(1) The Minister shall furnish the Board with a list of Universities and Colleges at which there are duly authorized Contingents of the Canadian Officers' Training Corps, or which require their students to undergo compulsory military training in accordance with the standard laid down for the training of men called out under these Regulations of at least one hundred and ten hours training during the scholastic year or session and two weeks continuous training in Camp. The Minister may from time to time add to or remove from such list of Universities and Colleges and if any University or College is removed from such list by the Minister on the grounds that the military training at such University or College or by the Contingent of the Canadian Officers' Training Corps has been reported by the representative of the Department of National Defence not to comply with the standard aforesaid and not to have been duly and properly carried out, then the Board shall cancel any postponement order hereinafter provided for in respect of students attending such University or College.

(2) The Board shall order the postponement of the military training under these regulations until the end of the scholastic year or session of bona fide students of a class called out for military training under these regulations who are attending throughout the session regular courses leading to a degree or diploma in such universities and colleges and who are members of and training with contingents of the Canadian Officers' Training Corps or are undergoing such compulsory military training of or at such universities and colleges, but the Board shall cancel the postponement of any such student who does not undergo and complete the full military training as provided in the last preceding subsection. After the end of the scholastic year or session any student whose training hereunder has been postponed until such time shall be liable if so determined by the Minister of National Defence, to be enrolled in and taken on the strength of an appropriate unit of the Non-Permanent Active Militia upon the same terms as a person called up for training under these regulations and who reports for such purpose to a training centre.

(3) Each such university or college shall furnish to the Divisional Registrar in the Administrative Division in which the university or college is located a full and complete list of the men registered as students indicating which of them are undergoing or intend to undergo the course of military training

or C.O.T.C. training aforesaid and, in the case of students not undergoing such military training or C.O.T.C. training, the reasons why they are not undergoing the same.

(4) Students of the class who may be postponed in their military training under this section 16 shall not be called out for the first training period for which persons are called out under the regulations.

(5) Such compulsory military training or C.O.T.C. training in the case of university or college students before mentioned shall, if the representative of the Department of National Defence reports that the military training or C.O.T.C. training complied with the standard aforesaid and has been duly and properly carried out, be considered equivalent to the training to be carried out during first training period for which persons are called out under these regulations and shall postpone such students therefrom.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing daylight saving time to be continued in
Provinces of Ontario and Quebec to conserve power**

The Canada Gazette, September 28, 1940

P.C. 4994

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 20th day of September, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council No. 4129, dated the 23rd day of August, 1940, Herbert James Symington, Esquire, K.C., of the City of Montreal in the Province of Quebec, was appointed Power Controller;

And whereas the Minister of Munitions and Supply reports that it is deemed necessary to conserve the available supply of power in the Province of Quebec and in the Province of Ontario;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply (made on the advice of the Power Controller) and pursuant to the powers conferred by the War Measures Act, is pleased to order and it is hereby ordered that daylight saving time, so called (being one hour in advance of Standard Time), observed during the past summer months, shall continue to be observed until such time as the Governor in Council may otherwise order, in the Province of Quebec and in the Province of Ontario, by all persons, firms and corporations resident or carrying on business therein, except Transportation Companies and Telegraph Companies.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council appointing Hon. William M. Martin, K.C., Rentals
Administrator and authorizing regulations

The Canada Gazette (Extra), September 26, 1940

P.C. 5003

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 24th day of September, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 3998 of the 5th day of December, 1939, as amplified by Order in Council P.C. 4616 of the 11th day of September, 1940, the Wartime Prices and Trade Board was empowered, subject to the approval of the Governor in Council, to fix maximum rentals at which any housing accommodation may be rented or offered for rent;

And whereas it is deemed expedient and in the national interest that the said Board fix maximum rentals in designated areas in Canada and prescribe the manner of determining any maximum rental and the conditions under which any housing accommodation may be rented or offered for rent;

And whereas it is deemed advisable that the said Board appoint a Rentals Administrator to perform such duties in respect of the determination of rentals and the regulation and control of housing accommodation in any area in Canada and such other duties as may be assigned to him by the Board and that the Rentals Administrator receive the assistance of a Technical Adviser;

And whereas it is further deemed advisable that the Board be empowered to appoint local committees in designated areas for the purpose of investigating and adjudicating upon local complaints and applications respecting housing accommodation or rentals and of performing other local duties as designated;

And whereas it is also deemed expedient that the Board be empowered to make regulations from time to time respecting rentals, housing accommodation and leasehold rights and obligations.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to powers conferred by the War Measures Act and otherwise, is pleased to order as follows:—

- (a) The Wartime Prices and Trade Board is hereby authorized, from time to time, in any area in Canada, to fix the maximum rental at which any housing accommodation may be rented or offered for rent and to prescribe the manner in which any maximum rental shall be determined and the conditions under which any housing accommodation may be rented or offered for rent.
- (b) The appointment by the Wartime Prices and Trade Board of the Honourable William M. Martin, K.C., a Puisne Judge of the Court of Appeal for Saskatchewan, as Rentals Administrator (notwithstanding anything contained in Section 36 of the Judges Act, Chapter 105, R.S.C. 1927) is hereby approved; Mr. Justice Martin to perform such duties in respect of rentals and housing accommodation as may from time to time be assigned to him by the Board, to hold office during pleasure

and to serve without additional remuneration, except actual living and transportation expenses while absent from his place of residence in performing his duties, as from the 17th day of September, 1940.

- (c) On the advice of the Wartime Prices and Trade Board, Frank W. Nicolls, Esquire, of Ottawa, Director of Housing, Department of Finance, is hereby seconded to the said Board to serve as Technical Adviser to the Rentals Administrator.
- (d) The Wartime Prices and Trade Board is hereby authorized to appoint from time to time in any area a local committee, to be known by such title and to be composed of such person or persons as the Board may designate, for the purpose of investigating and adjudicating upon local complaints and applications respecting rentals and housing accommodation and performing such other local duties as may be designated by the Board and to delegate to any committee so appointed such powers to be exercised in such manner and according to such procedure as the Board may from time to time prescribe.
- (e) The Wartime Prices and Trade Board is hereby authorized from time to time to make regulations respecting rentals, housing accommodation and lease-hold rights and obligations, to apply throughout Canada or in such areas in Canada as the Board may designate.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

THE WARTIME PRICES AND TRADE BOARD ORDER No. 7

Respecting Maximum Rentals

made pursuant to authority conferred by Orders in Council P.C. 3998, dated the 5th day of December, 1939, P.C. 4616, dated the 11th day of September, 1940, and P.C. 5003, dated the 24th day of September, 1940.

1. For the purposes of this Order,

- (a) "Housing accommodation" means any furnished or unfurnished house, apartment, flat, room, or dwelling, designed or used for residential purposes, together with all appurtenances thereto and such heating, lighting, water, garage and other services, equipment or facilities as are supplied by the landlord;
- (b) "Landlord" means any person who lets or sub-lets any housing accommodation;
- (c) "Lease" means every enforceable contract for the letting of housing accommodation, whether the contract is made orally, in writing, or by deed;
- (d) "Rent" or "Rental" means any payment or consideration for the use of housing accommodation;
- (e) "Rentals Administrator" means the person duly appointed as such by the Wartime Prices and Trade Board with the approval of the Governor in Council.

2. The maximum rental at which any housing accommodation may be rented or offered for rent shall be as follows:

- (a) for any housing accommodation for which there was a lease in effect on January 2, 1940, the rental charged or demanded shall not exceed that in effect on that date;

- (b) for any housing accommodation for which there was no lease in effect on January 2, 1940, but for which there was a lease in effect at some time or times during 1939, the rental charged or demanded shall not exceed that payable under the latest lease in 1939.
 - (c) for any other housing accommodation, the Rentals Administrator, of his own motion or on application in writing by either landlord or tenant, may determine the maximum rental.
- 3. (1) The Rentals Administrator, in his discretion, of his own motion or on application in writing by either landlord or tenant, may under special circumstances vary in respect of any specified housing accommodation the maximum rental fixed under clauses (a) and (b) of Section 2 hereof.
 - (2) The Rentals Administrator, at any time, may, in respect of any housing accommodation, require any person to furnish any information and in such form as may be designated by him.
 - (3) The method and procedure of exercising his powers shall be such as the Rentals Administrator may prescribe or adopt.
 - (4) Any determination or variation of a maximum rental by the Rentals Administrator shall be final and conclusive.
- 4. (1) No notice to vacate shall be given to a tenant for refusal to pay a rental in excess of the maximum rental fixed or determined under the provisions of Sections 2 and 3 hereof.
 - (2) Where the maximum rental for any housing accommodation has not been determined and a demand for an increase in rental has been made by the landlord, no notice to vacate the premises may be given to the tenant because of refusal to pay such increase, pending a determination of the maximum rental by the Rentals Administrator.
- 5. Any sum paid as rental for the use of housing accommodation on or after October 1, 1940, in excess of the maximum rental fixed by or determined under this Order, shall be recoverable by the tenant.
 - 6. All leases shall be deemed to have been amended in so far as is necessary to give effect to the provisions of this Order.
 - 7. Any provision in a lease under which the tenant agrees to pay a rental in excess of that fixed by or determined under this Order or to waive his rights thereunder shall be null and void.
 - 8. Until further notice, this Order shall apply only in the following municipalities in Canada:

Nova Scotia

Dartmouth and Woodside; Halifax, Armdale, Buckingham Station, Dutch Settlement, Fairview Station, Falkland, Jollimore and Melville; New Glasgow, Trenton, Stellarton and Westville; Sydney.

Quebec

Brownsburg and Thetford Mines.

Ontario

Allandale, Barrie; Kingston and Portsmouth; Ottawa, Eastview, New Edinburgh, Overbrook, Rockcliffe, Westboro, and Woodroffe; Parry Sound and Nobel; Trenton; Windsor.

Manitoba

Brandon.

British Columbia

Vancouver, Victoria and Esquimalt.

9. This Order shall become effective on and after the 1st day of October, 1940.

Made at Ottawa, the 24th day of September, 1940.

H. B. McKINNON,
Chairman.

Order in Council amending Pension Regulations

P.C. 63/5079

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 25th September, 1940.

PENSIONS AND NATIONAL HEALTH:

The Board recommend that, under the provisions of the War Measures Act and notwithstanding anything contained in the Pension Act or in any other act or regulation, approval be granted of the following regulations:—

REGULATIONS

1. "War with the German Reich" means the war waged by His Majesty and His Majesty's Allies against Germany and Germany's Allies, which for the purpose of these regulations shall be deemed to have commenced on the First day of September, One Thousand Nine Hundred and Thirty-Nine, the date of termination of which will be such date as may be proclaimed by the Governor in Council.

2. The benefits of the Pension Act, in so far only as the same or equivalent benefits are not provided under the laws or regulations of the United Kingdom of Great Britain and Northern Ireland, shall be conferred upon all persons resident and domiciled in Canada at the commencement of the war with the German Reich, who, subsequent to the First day of September, One Thousand Nine Hundred and Thirty-Nine, have become members of the naval, military or air forces of the United Kingdom of Great Britain and Northern Ireland, and who, while serving in the said naval, military or air forces during the war with the German Reich, have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of the United Kingdom of Great Britain and Northern Ireland; provided that payments may be made under the provisions of this regulation only to such persons as are residents of Canada and during the continuance of their residence therein.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council

Order in Council approving indefinite postponement of military training
for Mennonites and Doukhobors

P.C. 5155

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 26th day of September, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of National War Services, is pleased to amend The National War Services Regulations, 1940 (Recruits), established by Order in Council P.C. 4185, of August 27, 1940, and they are hereby amended by rescinding Subsection (1) of Section 17 thereof, and substituting the following therefor:

"17. (1) Members of the denomination of Christians called Mennonites and members of the Community of Doukhobors who immigrated to Canada pursuant to the arrangements evidenced by the Order in Council of August 13, 1873, and by the Order in Council of December 6, 1898, respectively, or the descendants of such immigrants who have continued without interruption to be members of the aforesaid sect or denomination of Christians or of the aforesaid Community of Doukhobors and who have resided without interruption in Canada, shall be entitled, subject as provided in these regulations, to the indefinite postponement of their military training."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending National War Services Regulations, 1940
(Recruits)

P.C. 5156

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 26th day of September, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of National War Services, is pleased to amend The National War Services Regulations, 1940 (Recruits), established by Order in Council P.C. 4185, of August 27, 1940, and they are hereby amended by adding thereto the following new section, to be numbered "38."

"38. There may be paid to any man who has been called out by Proclamation and who has been notified to report to a military training camp a subsistence allowance of fifty cents a meal for the number of meals which

he would normally require from the time he leaves the place to which has been addressed the notice to report to an indicated military training centre, on a stipulated date, to the time of his arrival at the military training centre."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council amending P.C. 4440 (Defence of Canada Regulations)—
Shipping Regulations, penalty**

P.C. 5189

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 26th day of September, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under and by virtue of the power vested in the Governor in Council by the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend Order in Council P.C. 4440, of the 7th day of September, 1940, and it is hereby amended as follows:

1. By deleting the words "Defence of Canada" where they occur before the word "Regulation" in the enacting clause thereof;

2. By deleting the designating number "44A" where it appears before the Regulation thereby enacted.

3. By inserting the following as paragraph (5) of the said Regulation:

"(5) Every person guilty of an offence against this Regulation shall be prosecuted in the manner set out in Regulation 63 of the Defence of Canada Regulations (Consolidation) 1940 and if convicted shall be subject to the penalties set out therein."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing certain officials to administer an oath in
matters pertaining to the granting of dependents' allowance**

P.C. 5283

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 2nd day of October, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that, in matters pertaining to the granting of Dependents' Allowance in respect of members of the Naval, Military and Air Forces of Canada, cases arise wherein the Dependents' Allowance Board consider it desirable that statements in writing be given under oath, and it is desirable that certain officials and representatives of the Dependents' Allowance Board be accordingly empowered to administer an oath;

That it is not practicable to request the several Provincial Governments to appoint designated officials and representatives of the Dependents' Allowance Board in each of the Provinces as Commissioners for the taking of oaths and affidavits for such officials and representatives are liable to be transferred from one Province to another, and they also may be changed from time to time; and

That the matter was referred to the Deputy Minister of Justice, who has expressed the opinion that it would be advisable to obtain an Order in Council, made in pursuance of the War Measures Act, to authorize evidence being taken under oath, and indicating those who may administer such oath;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:—

1. The Dependents' Allowance Board may in matters pertaining to the granting of dependents' allowance in respect of members of the Naval, Military and Air Forces of Canada require evidence to be taken under oath.

2. The Chairman and each Member of the Dependents' Allowance Board and every official Interviewer and every Representative of the said Board at the Office of each District Paymaster and the officer in charge of pay at the Headquarters of each Air Command may administer an oath required to be taken in matters pertaining to the granting of dependents' allowance in respect of members of the Naval, Military and Air Forces of Canada, and may give a certificate of such oath having been made, taken or administered.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council further amending P.C. 3677, November 15, 1939—
control of transportation**

P.C. 5285

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 2nd day of October, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 3677 of November 15th, 1939, made under the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, as amended by Order in Council P.C. 4251 of December 20th, 1939, authority was given for the appointment, by the Minister of Transport, of an officer to be known as the Transport Controller to deal with applications made on behalf of certain governments or agencies mentioned in the said Order in Council P.C. 3677 in order to determine, from time to time, the preference or priority of movement to be given to any class or classes of troops, naval forces, materials or supplies on behalf of such governments or agencies according to the necessities of the case, and also in like manner to deal with such applications as may from time to time be made on behalf of private parties for priority of movement with respect to the transport of materials and supplies between points or places in Canada;

And whereas it is deemed expedient to amend further the said Order in Council P.C. 3677 so as to leave no doubt that orders issued by the Transport Controller in the exercise of the authority to control transportation in Canada vested in him by the said Order in Council made under the War Measures Act shall prevail over the provisions of any statute, order or regulation inconsistent therewith;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport and pursuant to the provisions of the War Measures Act, is pleased to amend Order in Council P.C. 3677 of November 15th, 1939, amended as aforesaid, and it is hereby further amended by striking out paragraph (2) thereof and substituting therefor the following—

“(2) Notwithstanding anything contained in the Railway Act, The Canada Grain Act or any other statute or the provisions of any order or regulation made thereunder, all persons, agencies, organizations and associations in any manner whatsoever interested in or concerned with the transportation aforesaid and all owners or charterers of British ships registered in Canada in which cargo space may be required shall, in such matters, act upon and in accordance with the orders issued by the said Transport Controller, which orders shall prevail over the provisions of any statute, order or regulation inconsistent therewith.”

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing regulations respecting weighover of
grain elevators**

P.C. 5298

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 2nd day of October, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Trade and Commerce states that he has received a report from the Board of Grain Commissioners for Canada representing that, owing to war conditions, certain terminal elevators and eastern elevators are filled practically to capacity, and that under the Canada Grain Act, Sections 138 and 138 (a), the Board of Grain Commissioners is required to weigh over the grain contained in these elevators once in each crop year, but that in certain of these elevators, owing to the amount of grain contained therein, weighover for the crop year 1939-40 would materially delay the unloading of cars;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and under the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, and of any other law in force in Canada, is pleased to make the following regulations and they are hereby made and established accordingly:—

REGULATIONS

1. The Board of Grain Commissioners for Canada is hereby authorized to omit the weighing over of certain terminal or eastern elevators or their annexes for the crop year 1939-40, or for such period as the Board may deem advisable, where in its opinion the weighover would materially delay the receipt of grain at the said elevators.

2. Where a terminal or eastern elevator or any part or annex thereof is not weighed over the quality of the grain in the bins shall be checked by officers of the Board's Inspection Branch and the quantity shall be estimated by officers of the Weighing Branch.

3. Where any grain is not weighed over in a terminal or eastern elevator, the licensee of such elevator shall be required to furnish an additional bond to the Board of Grain Commissioners in the amount of 15 per cent of the present bond.

4. In making the next calculations of excesses and deficiencies under Section 138 of the Canada Grain Act or of overages or shortages under Section 138 (A), in connection with the weighing over of these elevators, the period taken shall be from the last weighover until the next weighover.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing regulations governing civilian claims against the Crown involving the Canadian Active Service Force in the United Kingdom and the R.C.A.F. in the United Kingdom

P.C. 5299

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 2nd day of October, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that the presence of Canadian Forces in the United Kingdom necessitates provision being made for the speedy settlement of civilian claims arising out of negligent and tortious acts of members of the Canadian Forces on duty in the United Kingdom, particularly with reference to accidents involving Department of National Defence vehicles and aircraft;

That it is desirable to minimize as much as possible the number of cases which might become the subject of litigation. Otherwise, considerable expenditure would be involved, and there would be interference in the carrying out of training and the other military duties upon which Service personnel would normally be engaged;

That some procedure which would make for speedy settlement of those cases in which a proper claim would lie against the Crown in the Right of Canada has been proposed by the Canadian Service Authorities in the United Kingdom, the said procedure being in principle similar to that adopted by the Service Authorities of His Majesty's Government in the United Kingdom in like matters; and

That Regulations based on the proposals made by the Canadian Service Authorities in the United Kingdom as aforesaid, have been drawn up, and the Acting Deputy Ministers of the Department of National Defence, being of the opinion that a procedure as outlined is desirable in the public interest, have recommended that the Regulations hereto annexed be made;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the provisions of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Act, Law, Statute or Regulation, is pleased to make the annexed Regulations and they are hereby made and established accordingly.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

REGULATIONS COVERING CIVILIAN CLAIMS AGAINST THE CROWN IN THE RIGHT OF THE DOMINION OF CANADA INVOLVING THE CANADIAN ACTIVE SERVICE FORCE IN THE UNITED KINGDOM AND THE ROYAL CANADIAN AIR FORCE IN THE UNITED KINGDOM.

1. Appropriate Headquarters shall mean:—

- (a) With respect to Military Forces under the command of the Senior Combatant Officer at Canadian Military Headquarters in Great Britain, other than those units and detachments under the command of an Area or Group Commander, those Headquarters.
- (b) With respect to units and detachments under the command of an Area or Group Commander, such Area or Group Headquarters.
- (c) With respect to Military Forces other than those mentioned in Clauses (a) and (b), the Brigade Headquarters under which the individual was serving or if there is no such Brigade Headquarters, the Divisional Headquarters.
- (d) With respect to the Royal Canadian Air Force, the Royal Canadian Air Force Headquarters in Great Britain.

2. In connection with every civilian claim against the Crown arising in the United Kingdom out of any death or injury to the person or to property resulting from the alleged negligence of any officer or servant of the Crown while acting within the scope of his duties or employment, the procedure hereinafter set forth shall be observed by Canadian Military Headquarters and Royal Canadian Air Force Headquarters in Great Britain hereinafter referred to as "Canadian Headquarters."

3. As soon as Canadian Headquarters becomes aware that circumstances have arisen which may give rise to a civilian claim against the Crown of the nature set forth in Paragraph 2 of these Regulations, it shall cause an immediate investigation to be made of all such circumstances.

4. When said investigation has been completed and when the necessary material has been obtained from the claimant, the claim shall then be dealt with in the following manner:—

- (a) If the officer commanding the appropriate Headquarters is of the opinion that there is a legal liability on the part of the Crown and that the civilian claim should be paid, the said officer commanding is hereby authorized to arrange settlement of civilian claims not exceeding £10-0-0. In the event that such a settlement is arranged by such officer com-

manding, the Chief Treasury Officer (Overseas) will pay the amount of such settlement to the civilian claimant upon production of a duly executed release.

- (b) Where the amount of the civilian claim exceeds £10-0-0 the claim and all necessary documents shall be forwarded to the Deputy Judge Advocate-General, Canadian Military Headquarters in Great Britain.
- (c) Where any such claim arises other than by reason of an aircraft accident, the said Deputy Judge Advocate-General, if he is of the opinion that the officer or servant of the Crown was acting within the scope of his duties or employment at the time of the accident and that the damage to persons, vehicles, or property was a direct result of the negligence or partial negligence of such officer or servant, the said Deputy Judge Advocate-General shall, in his discretion, decide what is a fair and reasonable amount of compensation and shall endeavour to arrange a settlement with the claimant, provided that no such settlement in any one case shall be for a sum exceeding £50 with respect to personal injuries and £50 with respect to property damage. If such settlement is arranged, the Chief Treasury Officer (Overseas) will pay the amount of such settlement to the claimant upon production of a duly executed release.
- (d) In respect of aircraft accidents the said Deputy Judge Advocate-General shall first obtain an opinion from the Senior Combatant Officer, Royal Canadian Air Force Headquarters in Great Britain on the question as to whether or not the officer or servant operating said aircraft was acting within the scope of his duties or employment and was negligent. The said Deputy Judge Advocate-General, if he is of the opinion that the officer or servant of the Crown was acting within the scope of his duties or employment at the time of the accident and that the damage to persons, vehicles or property was a direct result of the negligence or partial negligence of such officer or servant, shall in his discretion, decide what is a fair and reasonable amount of compensation and shall endeavour to arrange a settlement with the claimant, provided that no such settlement in any one case shall be for a sum exceeding £50 with respect to personal injuries and £50 with respect to property damage. If such settlement is arranged, the Chief Treasury Officer (Overseas) will pay the amount of such settlement to the claimant upon production of a duly executed release.
- (e) If the said Deputy Judge Advocate-General is of the opinion that the officer or servant of the Crown was not acting within the scope of his duties or employment or in the alternative, while acting within the scope of his duties was not negligent, the claimant will be promptly notified that the Crown denies liability and that the question as to what legal remedy the claimant will seek is a matter for his determination. A similar notification will be given to a claimant who refuses an offer of settlement. Notwithstanding the above, the said Deputy Judge Advocate-General shall have the power in any case where in his discretion he deems it just and reasonable, to settle with a claimant upon an *ex gratia* basis, regardless as to whether negligence has or has not been established on the part of the officer or servant of the Crown, provided that no such settlement in any one case shall be for a sum exceeding £25 with respect to personal injuries and £50 with respect to property damage.

5. (a) Where the officer commanding appropriate headquarters has arranged a settlement of a civilian claim pursuant to Paragraph 4 (a) of these Regulations, he shall then refer the matter to the said Deputy Judge Advocate-General for an opinion as to whether or not any officer or servant of the Crown on whose alleged

negligence the said claim is based is legally liable to reimburse the Crown in respect of the liability which the Crown has incurred by reason of such alleged negligence.

- (b) Where any matter is so referred and also in cases involving civilian claims exceeding £10-0-0, the said Deputy Judge Advocate-General, where the facts as disclosed indicate only a slight degree of negligence and do not involve recklessness, undue carelessness, or intentional omission or commission of any act amounting to a wrongful act, shall, if he give an opinion that any officer or servant of the Crown is legally liable to reimburse the Crown, state that the negligence was of a minor character.
- (c) In any case where, in the opinion of the said Deputy Judge Advocate-General, such officer or servant is so liable after the claim has been paid in whole or in part, demand shall, except where the negligence involved is of a minor character, be made upon such officer or servant for reimbursement to the following extent,—
 - (i) where the amount paid by the Crown in respect of such claim is £5-0-0 or less, the full amount paid by the Crown;
 - (ii) where the amount paid by the Crown in respect of such claim is more than £5-0-0 and does not exceed £20-0-0, one-half of the amount paid by the Crown, or £5-0-0, whichever is the greater;
 - (iii) where the amount paid by the Crown in respect of such claim is more than £20-0-0 and does not exceed £60-0-0, one-third of the amount paid by the Crown, or £10-0-0, whichever is the greater;
 - (iv) where the amount paid by the Crown in respect of such claim is more than £60-0-0 and does not exceed £100-0-0, one-quarter of the amount paid by the Crown or £20-0-0, whichever is the greater;
 - (v) where the amount paid by the Crown in respect of such claim is more than £100-0-0, one-fifth of the amount paid by the Crown or £25-0-0, whichever is the greater;

Provided always that the liability of such officer or servant is not to exceed the sum of £100-0-0.

- (d) If the officer or servant concerned does not within a reasonable time arrange for the payment of such amounts, action shall be taken by the appropriate Canadian Headquarters to charge such officer or servant, if a member of the Military or Air Force, under the appropriate Section of the Army Act or the Air Force Act, and if a conviction is obtained, the amount provided above shall be awarded as a stoppage of pay against the officer or servant concerned.

6. In the event that a claimant is entitled to receive compensation from an insurance company for the damages he has suffered, any claim either by the claimant or by the insurance company will be rejected, save and except that if in the case of collision insurance, the insurance contract of the claimant provides for a sum to be payable by the claimant in respect of each claim, the claim for compensation may be considered up to but not exceeding the amount so payable by the claimant as provided in his policy.

7. Should a person who claims damage or injury institute legal proceedings against an officer, soldier, or airman, or should criminal proceedings be instituted against such officer, soldier or airman as a result of his operation of a motor vehicle or aircraft, then, if the said Deputy Judge Advocate-General is of the opinion that the officer, soldier or airman concerned was acting within the scope of his duties or employment and was not guilty of negligence,

and that it is proper and advisable, the appropriate Canadian Headquarters is empowered to employ counsel at the expense of the Crown to act for the officer, soldier or airman in question.

8. The Minister of National Defence may, from time to time, make such orders and issue such instructions as are necessary for the purpose of carrying out these Regulations and giving effect to the intention thereof.

9. These Regulations shall have force and effect as of and from the 29th day of September, 1940, and will apply as well to all claims pending on that date.

Order in Council approving medical treatment *re* communicable diseases

The Canada Gazette, November 16, 1940

P.C. 5321

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 3rd day of October, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Section 5 (c) of the Militia (Special) Regulations, 1940, as made and established by Order in Council, P.C. 4904, dated 17th September, 1940, provides, *inter alia*, that if a man, pursuant to his having been called out for military training in pursuance of the National War Services Regulations, 1940, is suffering from a communicable disease, he shall be returned to the place to which the notice to report was sent as soon as authorized by the Medical Officer of the Training Centre, and, until so returned, he shall be provided at the Training Centre with accommodation and rations, and granted certain monetary emoluments;

And whereas the Minister of National Defence reports that occasions may arise when such men are suffering from communicable diseases of a nature requiring immediate isolation and treatment; that if returned at once to the place to which their notices to report were sent, the public may be exposed to the risk of infection, and that, accordingly, it is necessary that provision be made for the immediate isolation and treatment of such men, who are suffering from diseases of the character mentioned;

That occasions may arise when the facilities at a Training Centre will not permit of such men being isolated from other men there present, and afforded the treatment necessary, and that it will become necessary to place these men either in a military hospital which has accommodation in which they can be isolated, or to place them under the temporary care of the Department of Pensions and National Health for isolation and treatment in a hospital functioning under that Department's jurisdiction;

That the men in question will not be enrolled in the Active Militia and posted to an appropriate Corps thereof in pursuance of the Militia (Special) Regulations 1940 aforesaid, so that, in consequence, they will not be members of the Active Militia, and it will be necessary to make special provision for the necessary isolation and treatment, as well as in respect of other matters pertaining to their administration whilst undergoing such isolation and treatment;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, with the concurrence of the Minister of National War Services and of the Minister of Pensions and National Health, and under and by virtue of The National Resources Mobiliza-

tion Act, 1940, and the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Statute or Law, is pleased to make the following Regulations, and they are hereby made and established accordingly:—

REGULATIONS

1. Upon a man reporting to a Training Centre established under the Militia (Special) Regulations 1940, in pursuance of his having been called out under the National War Services Regulations, 1940, who is found by the Medical Officer at the said Training Centre to be suffering from a communicable disease, which in the opinion of the Medical Officer at such Training Centre requires immediate isolation and treatment, he shall be liable to undergo such treatment as is, in the opinion of the said Medical Officer or the Medical Authorities of the Hospital or other Institution in which he may be placed, required to enable him to return to the place to which the said man's notice to report to the Training Centre was sent, and to mingle with other persons without the risk of causing them to become infected with, or to contract the disease from which said man is found to be suffering.

2. A man for whom such isolation and treatment is considered as aforesaid to be necessary will be dealt with as follows:—

- (a) If suitable accommodation and facilities for treatment are available at the Training Centre, he will undergo such isolation and treatment thereat until discharged under the authority of the Medical Officer at said Training Centre.
- (b) If the accommodation and facilities as mentioned in clause (a) of this paragraph are not available, he will be referred to the Department of Pensions and National Health for such isolation and treatment as the appropriate Officials of that Department consider necessary in order to enable said man to return to the place to which his notice to report to the Training Centre was sent, without the risk of causing other persons to become infected with the disease from which he is suffering. The accommodation and treatment so to be furnished by the Department of Pensions and National Health to such a man shall be similar to that furnished by that Department to a private soldier of the Non-Permanent Active Militia serving on active service under the provisions of Order in Council P.C. 3004, dated 5th October, 1939.
- (c) Costs and expenses of such isolation and treatment shall be chargeable to War Appropriation.

3. If whilst undergoing treatment, either at a Training Centre or under the control and management of the Department of Pensions and National Health, any such man commits any act or does anything which if committed or done by a private soldier of the Non-Permanent Active Militia serving on active service would be an offence against Military Law, the Officer in command of the Training Centre, or the Official of, or the person employed by the Department of Pensions and National Health having the administrative control, for the Department of Pensions and National Health, of the place wherein such man is receiving treatment, may order that such man shall forfeit, in respect of any one act or thing done by him, not more than seven days of the pay authorized by the said Militia (Special) Regulations 1940 to be paid to said man whilst undergoing said treatment, and, upon such an order being issued, the person making the same shall forthwith transmit a duplicate original thereof to the Officer Commanding the Training Centre to which the man reported, and that Officer shall forthwith give effect to the terms of said order.

4. Whilst undergoing treatment under the control and management of the Department of Pensions and National Health, the man shall, for the purposes of Section 5, subsection (c), of the Militia (Special) Regulations 1940, be considered as and as if he were being provided with accommodation at the Training Centre, and accordingly shall be entitled to receive the same pay as he would have received under the said subsection had he actually received his treatment at the Training Centre, subject to any forfeitures under paragraph 3 of these Regulations.

5. When the treatment of such a man has been brought to a finality by the Department of Pensions and National Health, the appropriate Official of that Department will forthwith notify the Training Centre to which the man originally reported of this fact, and, in accordance with such directions as may be given by the Officer Commanding said Training Centre, either return said man to said Training Centre or return him to the place to which his notice to report was sent, as may be so directed. In the event of the said Officer Commanding directing the return of the said man to the place to which his notice to report was sent, the said Officer Commanding shall arrange for the payment to the man of the amount to which he is entitled under and shall furnish the necessary transportation and subsistence allowance to which the man is entitled under the Militia (Special) Regulations 1940, as if he had actually received his treatment at the Training Centre.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

**Order in Council amending Consolidated Regulations Respecting Trading
with the Enemy (1939)**

P.C. 5353

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 3rd day of October, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Secretary of State of Canada, with the concurrence of the Minister of Finance, is pleased to amend the Consolidated Regulations Respecting Trading with the Enemy (1939) established by Order in Council of the 21st day of August, 1940, P.C. 3959, and they are hereby amended as follows:—

1. By repealing the word "as" where it appears before the word "circulate" in Regulation 1 (i) and substituting therefor the word "which".
2. By repealing the words "under Regulation 17" where they appear in Regulation 16 and substituting therefor the words "under Regulation 15".
3. By repealing the words "Regulations 7, 8 and 12" where they appear in Regulation 17 and substituting therefor the words "Regulations 7, 8 and 11".
4. By repealing the word "matter" where it appears after the words "any other" in Regulation 34 (3) and substituting therefor the word "manner".

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending National War Services Regulations, 1940
(Recruits)

The Canada Gazette (Extra), October 7, 1940

P.C. 5356

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 3rd day of October, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National War Services and in virtue of the powers vested in the Governor in Council by The National Resources Mobilization Act, 1940, and the War Measures Act, is pleased to order that subsection seven of section nine of The National War Services Regulations, 1940 (Recruits), established by Order in Council P.C. 4185 of 27th August, 1940, be and it is hereby rescinded and the following substituted therefor—

"9. (7) After having made such selection, the Divisional Registrar, in prescribed form, shall notify each man so selected, by registered post, requiring him to submit himself for medical examination within three clear days to any one of the nearest duly appointed examining physicians in the Administrative Division in which the selected man resides, and, if the man is found fit for military training, the Divisional Registrar shall notify such man, in prescribed form, by registered post, to report for training at a military training centre at a time and place to be indicated to him by the Divisional Registrar. The Divisional Registrar shall issue necessary instructions respecting medical examinations and shall issue warrants for transportation required."

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending Defence of Canada Regulations
(Consolidation) 1940

The Canada Gazette (Extra) October 5, 1940

P.C. 5358

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 3rd day of October, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice, under date of 2nd October, 1940, reports as follows:—

The expression "peace officer" is used in several regulations of the Defence of Canada Regulations (Consolidation) 1940, but is not defined and it is considered desirable that such expression should definitely have the same meaning as in the Criminal Code;

Representations have been made to have paragraph (4) of regulation 37B of the said Regulations enlarged to permit a search for firearms to be made without warrant by a peace officer on the direction of the Attorney General of the province. The present paragraph authorizes such a search only when a person is reasonably suspected of having in his possession or upon his premises, contrary to the provisions of the regulation, any firearm. In view of the circumstances presently existing it is considered desirable that such an amendment be made.

Representations have been made that articles seized under search warrant, although of a subversive nature, may have to be returned to the owner or person from whom they were seized, pursuant to the provisions of section six hundred and thirty-one of the Criminal Code, in the event of there being no committal or conviction and that provision should be made whereby the court may by order dispose of such articles. In view of these representations it is considered desirable that an amendment be made to regulation 58 of the said Regulations.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and pursuant to the provisions of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend and doth hereby amend the Defence of Canada Regulations (Consolidation) 1940, made by Order in Council P.C. 4750 of the 12th September, 1940, as follows:

1. By adding to paragraph (1) of regulation 2, immediately after sub-paragraph (f) as sub-paragraph (ff), the following:

“(ff) ‘peace officer’ means a peace officer as defined in paragraph twenty-seven of subsection one of section two of the Criminal Code.”

2. By revoking paragraph (4) of regulation 37B and substituting therefor the following:

“(4) If any person is reasonably suspected of having in his possession or upon his premises, contrary to the provisions of this regulation, any firearm for which a certificate of registration has not been applied for or has been refused or cancelled pursuant to this regulation, or if the Attorney General of the province is satisfied that it is in the interest of the public safety or the safety of the state so to do, and so directs, he may be searched, or his premises or any place occupied or believed to be occupied by him may be searched, for any firearm by any peace officer without warrant, and if any such firearm be found upon any such person or his premises, or in any such place as aforesaid, the same shall be seized and forfeited to the Crown to be disposed of as the Attorney General of the province in which such forfeiture takes place may direct.”

3. By adding as paragraph (4) to regulation 58 the following:

“(4) Notwithstanding the provisions of subsection two of section six hundred and thirty-one of the Criminal Code a justice of the peace may, with the consent of counsel representing the Attorney General of Canada or of the province, order that any articles seized shall be forfeited to the Crown, destroyed, returned to the owner, or otherwise disposed of as he may see fit, notwithstanding that no person has been committed for trial for, or convicted of, an offence in connection with such article.”

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council authorizing Commissioner appointed under the Inquiries Act to hold sittings in camera re certain navigation matters

P.C. 5391

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 8th October, 1940.

The Committee of the Privy Council have had before them a report, dated 4th October, 1940, from the Acting Minister of Transport, representing that under authority of Order in Council, P.C. 214/3404, of July 24th, 1940, Honourable Lucien Cannon, District Judge in Admiralty of the Exchequer Court of Canada, of the City of Quebec, in the Province of Quebec, has been appointed by a Commission issued under the provisions of the Inquiries Act, a Commissioner to inquire and report upon the navigation of small vessels in the navigation channel of the St. Lawrence River and the effect of such navigation on the safety of shipping generally, and upon pilotage matters in the St. Lawrence-Kingston-Ottawa Pilotage District, between Montreal and Kingston, and upon relevant matters which may in the course of the Inquiry arise or develop and which, in the opinion of the Commissioner, should be included within the scope of the Inquiry and Report;

That during the course of the said Inquiry it is probable that evidence may be tendered relating to certain navigation matters and that it is considered that such evidence should not, due to the war, be made public.

The Minister, therefore, on the advice of the Director of Marine Services, concurred in by the Acting Deputy Minister of Transport, recommends that, pursuant to the provisions of the War Measures Act, the Commissioner, as aforesaid, be authorized during such inquiry to hold such sittings in camera as may in his opinion be desirable, in the public interest.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council constituting General Advisory Committee re Special Committee on Demobilization

P.C. 5421

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 8th October, 1940.

The Committee of the Privy Council have had before them a report, dated October 5th, 1940, from the Minister of Pensions and National Health, representing that by Order in Council P.C. 4068½ dated the 8th December, 1939, there was constituted a Special Committee of the Cabinet of which the Minister of Pensions and National Health was nominated convener;

That the duties of the said Special Committee are generally to procure information respecting, and give full consideration to, and report regarding the problems which will arise from the demobilization and discharge from time to time of members of the forces during and after the conclusion of the present

war, and the rehabilitation of such members into civil life, and with particular reference to certain subject matters set forth in paragraphs (a), (b), (c), (d), (e), (f) and (g) of the said Order in Council;

That paragraph (c) of the said Order in Council provides for the appointment of Advisory Committees selected from the personnel of Government Departments or Agencies.

The Committee, therefore, on the recommendation of the Minister of Pensions and National Health, advise that under and by virtue of the War Measures Act (Chap. 206 Revised Statutes of Canada) there be hereby constituted a General Advisory Committee composed of the following members, selected from the personnel of the various Government Departments or Agencies, namely:—

Chairman...Chairman of the Canadian Pension Commission.

Vice-Chairman...Chairman of the War Veterans' Allowance Board.

Members—

Chairman of the Civil Service Commission.

Deputy Minister of Labour and two other members nominated by the Minister of Labour.

Deputy Minister of Public Works, and one other member nominated by the Minister of Public Works.

Director of Auxiliary Services, Department of National Defence, and two other members nominated by the Ministers of National Defence.

Two members nominated by the Minister of Agriculture.

Deputy Minister of Pensions and National Health, and two other members nominated by the Minister of Pensions and National Health.

Two members nominated by the Minister of Finance.

One member nominated by the Minister of Trade and Commerce.

The Committee, on the same recommendation, further advise,—

1. That the duties of the General Advisory Committee shall be to take into consideration those matters assigned to the Special Committee of the Cabinet under Order in Council P.C. 4068½, and from time to time submit to the aforesaid Special Committee of the Cabinet such reports and recommendations respecting information received and consideration given, and the plans formulated as may seem to the General Advisory Committee necessary to keep the Special Committee of the Cabinet informed in respect thereto.

2. That the General Advisory Committee be hereby empowered to appoint various sub-committees which may be selected from the personnel of Government Departments or Agencies.

3. That the General Advisory Committee be hereby empowered to appoint as members of the sub-committees named in paragraph 2 above, recognized experts outside the Service.

4. That the General Advisory Committee be hereby empowered to invite to appear before the sub-committees persons specially qualified to deal with any matter coming within the terms of reference.

5. That persons called in consultation under paragraphs 3 and 4, above, by the General Advisory Committee pursuant to the directions contained in paragraph (d) of Order in Council P.C. 4068½ dated 8th December, 1939, shall be entitled to receive the actual and necessary out-of-pocket expenses incurred by them while they are absent from their places of residence for the purposes of

such consultation; that the calling of persons into consultation must receive the approval of the Chairman of the General Advisory Committee, and their expenses as provided for in this section must be submitted through him.

6. That all Departments or Agencies of the Government and all officers and employees thereof shall afford to the General Advisory Committee all available information in regard to any of the matters falling within the scope and power of the General Advisory Committee, and shall co-operate with the General Advisory Committee in the performance of such duties and the exercise of such powers whenever required by the General Advisory Committee to do so, and shall make available to the General Advisory Committee all such relevant records, documents and papers as existing regulations permit.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council appointing Dr. George Hilton, Oils Administrator and approving regulations

The Canada Gazette (Extra) October 12, 1940

P.C. 5468

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 9th day of October, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Labour reports that he has received representations from the Wartime Prices and Trade Board to the effect that the present and potential national needs are such that it is deemed to be in the public interest to organize, conserve and co-ordinate the supply of animal and vegetable oils;

And whereas it is deemed advisable that the Board appoint an Oils Administrator, to be responsible, under the direction of the Board, for any necessary arrangements to ensure continuity of supply, and the best possible utilization and allocation of animal and vegetable oils; that he receive the assistance of a Technical Adviser; and that regulations respecting oils be made and established as hereinafter set forth;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to powers conferred on the Governor in Council by the War Measures Act and otherwise, is hereby pleased to approve,—

1. The appointment by the Wartime Prices and Trade Board of Dr. George Hilton, of Ottawa, as Oils Administrator, to be responsible, under the direction of the Board, for any necessary arrangements to ensure continuity of supply, the best possible utilization and allocation of animal and vegetable oils and the performance of such other duties as may be assigned to him by the Board, Dr. Hilton, to serve without remuneration but to receive his actual living and

transportation expenses while absent from his place of residence in performance of his duties, such appointment not to interfere with or prejudice his status as an annuitant under the Civil Service Superannuation Act;

2. The appointment by the Wartime Prices and Trade Board of Mrs. Phyllis G. Turner, Economic Adviser of the Board, as Technical Adviser to the Oils Administrator.

His Excellency in Council, on the same recommendation and under the above cited authority, is further pleased to make the following Regulations and they are hereby made and established accordingly:—

REGULATIONS RESPECTING OILS

1. For the purpose of these regulations,

(a) "Minister" shall mean the Minister of Labour;

(b) "Oils" shall mean fixed or fatty oils and fats of vegetable or animal origin, whether processed, partly processed or unprocessed, including marine animal oils; materials containing any such oil; and all vitamin extracts and preparations;

(c) "Oils Administrator" shall mean the person from time to time appointed as such by the Wartime Prices and Trade Board with the approval of the Governor in Council.

2. The Oils Administrator shall have power, under the direction of the Wartime Prices and Trade Board, from time to time—

(a) to buy, sell and otherwise deal in, store, transport, allocate and distribute oils;

(b) to extract, process and refine oil or to require any person, firm or corporation in the business of extracting, processing or refining oil to extract, process or refine any oil in such manner and in such priority to any other business of such person, firm or corporation as may be specified;

(c) to enter, or authorize any person to enter, any place for the purpose of inspecting any oils;

(d) to take possession of any oil and deal with or dispose of it in any manner;

(e) for any purpose aforesaid, to enter into possession of and utilize any land, building, plant and equipment used or capable of being used for the extracting, processing, refining, storing or transporting of oils and to use any motive power available;

(f) subject to the approval of the Minister, to fix prices or markups or maximum prices or maximum markups at which any oils may be sold or offered for sale;

(g) subject to the approval of the Minister, to fix or limit the quantities of any oils which may be sold or distributed by or to any person, firm or corporation within prescribed periods of time and to prohibit sale or distribution in excess of the quantities so fixed or limited;

(h) Subject to the approval of the Governor in Council, to prohibit all persons, firms or corporations from exporting or importing any oil without a permit or licence of the Oils Administrator, and, subject to the approval of the Minister, to prohibit all persons, firms or corporations from extracting, processing, refining, acquiring, disposing of or otherwise dealing in any oil without such permit or licence;

- (i) to issue and re-issue any permit or licence aforesaid and to suspend, cancel or refuse to issue any such permit or licence whenever he deems it to be in the public interest so to do, and to fix the fees payable for the issue of such permits or licences and to prescribe the manner, procedure, terms and conditions under which such permits or licences shall be obtained;
- (j) to require any person, firm or corporation owning or having possession, control or power to dispose of any oils to deal with and dispose of any such oils in such manner as may be specified;
- (k) to require any person, firm or corporation owning or having possession, control or power to dispose of, or dealing in, any oils to produce to any person authorized in writing for the purpose by the Oils Administrator any books or documents and to permit the person so authorized to make copies of or extracts from any such books and documents and, when the Oils Administrator deems it necessary, to remove any such books and documents;
- (l) to require any person, firm or corporation extracting, processing, refining, storing, importing or dealing in oils to furnish, in such form and within such time as the Oils Administrator may prescribe, written returns under oath or affirmation showing such information as the Oils Administrator may deem necessary;
- (m) to deposit all funds received by him in such bank or banks as the said Board may direct and, for all proper and official purposes, to draw thereagainst by cheque signed by such persons as the said Board may from time to time designate; all surplus funds, on the termination of the office of Oils Administrator, to be paid to the Receiver General of Canada to form part of the Consolidated Revenue Fund of Canada;

and the Wartime Prices and Trade Board Regulations shall be deemed to have been and are hereby amended in so far as is necessary to give effect to these regulations.

3. If the Oils Administrator takes possession of any oil or any other property, the consideration to be paid in respect thereof, in default of agreement, shall be such, in the case of oil, as is prescribed by the Oils Administrator under the direction of the Wartime Prices and Trade Board with the approval of the Minister and, in the case of other property, shall be such as is determined by the Exchequer Court on a reference thereto by the Minister.

4. Any contravention of or failure to observe any regulation, prohibition or requirement of the Oils Administrator shall be deemed to be an offence against these regulations and the Wartime Prices and Trade Board Regulations, and the penalties prescribed in the Wartime Prices and Trade Board Regulations shall extend and apply thereto.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council approving regulations respecting importation of
aluminum

The Canada Gazette (Extra), October 16, 1940

P.C. 5596

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 15th day of October, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Metals Controller under authority conferred on him by P.C. 3187, 15th July, 1940, has, for the purpose of conserving an essential war material, taken measures to restrict the use of Canadian-produced aluminum for the manufacture of electrical conductors and accessories, hollow ware and foil;

And whereas the Minister of National Revenue reports that the purpose of such measures would be frustrated and considerable sums of foreign exchange expended if unrestricted importation of aluminum and its products were permitted;

And whereas section 290 of the Customs Act, as enacted by Section 10 of Chapter 24 of the Statutes of 1937, provides that the Governor in Council may from time to time—

- (a) for the purpose of acquiring information, or for the purposes of sub-paragraph (c) of this subsection, require that no person shall import any of the articles designated in the said sub-paragraph (c), without first having obtained a permit and prescribe such fees, regulations and conditions as may be deemed proper respecting the granting of such permits;
- (c) prohibit, restrict or control the importation of arms, ammunition, implements or munitions of war, military, naval or air stores, or any articles deemed capable of being converted thereinto or made useful in the production thereof;
- (d) provide for the registration or licensing of persons engaged in the business of manufacturing or importing arms, ammunition or implements of war and prescribe fees, regulations, conditions and exceptions in respect thereof;
- (e) provide for the compilation and publication of information and statistics respecting the importation or manufacture of arms, ammunition or implements of war;
- (f) make regulations or prescribe conditions or exceptions deemed necessary for the effective carrying out of the object and intention of this section of any prohibition, restriction or control of importations which may be imposed under this section, including regulations, conditions, or exceptions respecting re-exportations, transshipments or shipments in transit, whether within Canada or elsewhere. Such regulation shall, when made, have the force and effect of law as though enacted as a part of this statute, and shall be published in *The Canada Gazette*.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue, with the concurrence of the Minister of Munitions and Supply and the Minister of Finance and under

the authority of Section 290 of the Customs Act, as enacted by Section 10 of Chapter 24 of the Statutes of 1937, and of the War Measures Act, is pleased to order and it is hereby ordered as follows:—

1. No person shall import aluminum, manufactured or unmanufactured (including articles of which aluminum forms fifty per cent, by volume, of the component materials, or of which aluminum exceeds in value all other single component materials), without having first obtained a permit issued by, or on behalf of, the Minister of National Revenue.

2. Applicants for permits shall furnish in respect of each proposed importation information in writing in the manner and form approved by the Minister of National Revenue, setting forth details as to the purchaser, seller, consignor, consignee, description, quantity, value and specific purpose of the proposed shipment or of the articles proposed to be imported.

3. Shipments which were actually in transit to Canada on or before the date of the coming into force of this Order in Council shall be exempt from importation permit requirements.

4. Import permits issued hereunder shall not be transferable and shall be subject to revocation at any time without notice.

5. To assist in determining whether or not licences shall be granted, generally or in specific cases, there shall be an Advisory Committee consisting of

- (a) a representative of the Department of National Revenue designated by the Minister;
- (b) a representative of the Foreign Exchange Control Board designated by the Chairman thereof; and,
- (c) the Metals Controller.

6. This Order shall come into force on the date of the publication thereof in *The Canada Gazette*.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing alien nationals to act as masters or officers of British ships registered in Canada

The Canada Gazette (Extra), October 31, 1940

P.C. 5644

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 15th day of October, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas, under the provisions of Order in Council, P.C. 1594, of April 22, 1940, authority is granted to hand over the ss. *Europa*, of Danish registry, and other ships seized in prize and either requisitioned for use by the Canadian Government or condemned by the Court as prize, to the Canadian Government Merchant Marine, Limited, for operation on behalf of the Government of Canada;

And whereas, under the provisions of Order in Council, P.C. 3630, of August 1, 1940, it is ordered that any French ships that have been requisitioned, or that may be requisitioned under the provisions of Regulation 48 of the Defence of Canada Regulations, shall be subject to the disposition of the Minister of Transport, acting upon the advice of the Canadian Shipping Board;

And whereas, pursuant to the provisions of the Orders in Council, aforesaid, certain Danish and French ships have been requisitioned for use by the Canadian Government, and handed over to the Canadian Government Merchant Marine, Limited, for operation thereof on behalf of the Government of Canada;

And whereas the said ships, so requisitioned and operated, are considered as ships registered in Canada for the purpose of making the provisions of the Canada Shipping Act, 1934, applicable to the said ships and they are allowed to wear the Canadian Blue Ensign;

And whereas other ships of foreign registry might be requisitioned for use by the Canadian Government;

And whereas, in the circumstances, and in order to facilitate the operation of ships of foreign registry that have been requisitioned or that may be requisitioned, it is deemed advisable to grant permission to alien nationals holding masters, mates or engineers foreign-going certificates of competency, to continue in service or to take service, as masters, mates or engineers on the said ships, notwithstanding anything contained in the Canada Shipping Act, 1934, relative to certificates of officers on ships registered in Canada.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport and under the provisions of the War Measures Act, and notwithstanding anything contained in the Canada Shipping Act, 1934, or in any other act, is pleased to order and doth hereby order that any subject or former subject of such a foreign state as may be approved by an order made by the Minister of Transport, may be authorized by or on behalf of the said Minister to act as master or officer of any grade of a British ship registered in Canada or of a Government ship, as defined in the Canada Shipping Act, 1934, and not registered, if the said Minister is satisfied that such person is competent to act in that capacity and that any such person, authorized as aforesaid, shall, while acting in pursuance of the authorization, be deemed for the purposes of Section 113 of the Canada Shipping Act, 1934, to hold a certificate of competency under the said Act of the appropriate grade.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council authorizing refund of Customs duty, excise tax, etc., on munitions of war

P.C. 87/5724

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 17th October, 1940.

NATIONAL REVENUE

The Board recommend that Orders in Council of February 8th, 1940, P.C. 68/537 and February 9th, 1940, P.C. 1/565 be rescinded and that authority be granted under Section 3 of the War Measures Act to deal with certain goods used in filling war orders or contracts in the following manner, effective from October 15th, 1940:—

A. THE UNITED KINGDOM

1. Refund of Customs duty, special excise tax and war exchange tax on articles and materials to be incorporated into and form a constituent or component part of a munition of war covered by contracts placed through the Department of Munitions and Supply for account of the British Government.

2. Refund of Customs duty, sales tax, special Excise tax and war exchange tax on imported permanent and non-permanent plant equipment, of a class or kind not made in Canada to the standard required for the fulfilment of the relevant contract and so ruled by the Minister of National Revenue, the purchase of which has been approved by the Department of Munitions and Supply on behalf of the British Government and which has been or is to be paid for by the said Government, which equipment is to be actually used directly in the manufacture of the munitions of war covered by contracts placed through the Department of Munitions and Supply for account of the British Government.

3. Refund of sales tax on permanent and non-permanent plant equipment manufactured in Canada, to be actually used directly in the manufacture of munitions of war covered by contracts placed in Canada through the Department of Munitions and Supply for account of the British Government.

4. The term "munitions of war", within the meaning and intent of this Order in Council, shall mean gases and chemicals, explosives, arms, ammunition, vehicles, aircraft, ships and other implements of war, and component parts of the foregoing, as enumerated and classified in appendix hereto.

5. (a) The Customs duty and/or taxes exigible on all articles and materials and permanent and non-permanent plant equipment, whether imported or manufactured in Canada, shall be collected by the Department of National Revenue
- (b) The amount of Customs duty and/or taxes paid to the Department of National Revenue on the said goods shall be ascertained and tabulated by the Department of Munitions and Supply, on the basis of information supplied by the contractors in suitable form, subject to verification, if required, by the Comptroller of the Treasury.
- (c) The Department of Munitions and Supply shall report, from time to time, the details and the amounts of the refunds accruing to the British Government to the Comptroller of the Treasury, who will be responsible for crediting the United Kingdom account.

6. The Minister of Munitions and Supply shall prescribe regulations for giving effect to the foregoing, subject to the concurrence of the Minister of Finance and the Minister of National Revenue.

B. ALLIED NATIONS, INCLUDING BRITISH DOMINIONS

Contracts for munitions of war placed by the Governments of Allied Nations, including British Dominions, through the Department of Munitions and Supply shall receive the same treatment as provided for in "A" of this Order in Council in respect of British Government Contracts.

C

Contracts for munitions of war placed in Canada direct by the British Government, or by Governments of Allied Nations including British Dominions, shall be considered on their individual merits and special Orders in Council passed if remission or refund of Customs duty and/or taxes is to be granted.

D. MATERIALS AND EQUIPMENT DIVERTED TO OTHER USE

Articles and materials and permanent and non-permanent plant equipment for use in the manufacture of munitions of war, in respect of which remission or refund was authorized under Order in Council (P.C. 68/537), dated February 8, 1940, as amended by Order in Council (P.C. 1/565), dated February 9, 1940, or in respect of which refund has been made by crediting the United Kingdom account as in this Order in Council provided, which remain on hand at the close of the war, or which prior to that time are diverted for use other than in the manufacture of munitions of war as defined in the appendix hereto, shall become subject to any Customs duty and Excise taxes ordinarily applicable unless they are exported or destroyed, and the scrap and salvage resulting from any such destruction shall also become subject thereto, and the person who acquires the goods, whether by purchase or otherwise, shall pay, when he obtains possession thereof, the said Customs duties and Excise taxes levied at the rates then in effect, computed on the following bases of valuation:—

- (a) In the case of articles and materials, and plant equipment other than machinery, new or unused, on the values thereof on the dates when the relevant Customs entries were passed, or on the dates when the goods were delivered to the manufacturer by the Canadian vendor, as the case may be;
- (b) In the case of new or unused articles or materials which after importation or delivery by the Canadian vendor have been processed, on the values thereof as then appraised by a Dominion Customs Appraiser or as determined by an Excise Tax Auditor, as the case may be;
- (c) In the case of new or unused machinery, and used materials, machinery and other plant equipment, on the values as then appraised by a Dominion Customs Appraiser or as determined by an Excise Tax Auditor, as the case may be.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

APPENDIX TO ORDER IN COUNCIL (P.C. 87/5724) DATED 17TH OCTOBER, 1940

The term "munitions of war", within the meaning and intent of the said Order in Council, is held to mean:

GROUP I

Gases and Chemicals

Mustard gas, phosgene, and other gases and chemicals used in chemical warfare for incapacitating the enemy.

GROUP II

Explosives

- (a) Propellants and high explosives of all kinds in any form;
- (b) Pyrotechnics of all kinds in any form.

GROUP III

Arms

- (a) Rifles and carbines and barrels, aiming tubes, breech mechanisms and stocks therefor;
- (b) Machine guns, automatic rifles, and machine pistols, and barrels, breech mechanisms, mountings, grips and stocks therefor;

- (c) Revolvers and automatic pistols, including signal pistols;
- (d) Guns, howitzers and mortars, and barrels, breech mechanisms and mountings therefor.

GROUP IV

Ammunition

- (a) Ammunition for the arms enumerated in (a), (b) and (c) of GROUP III, and bullets, cartridge cases and primers therefor;
- (b) Ammunition for the arms enumerated in (d) of GROUP III, and filled and unfilled projectiles, fuses, cartridge cases and primers therefor;
- (c) Grenades, bombs, torpedoes mines and depth charges, filled or unfilled, and apparatus for their use or discharge.

GROUP V

Vehicles

- (a) Tanks, military armoured vehicles, and armoured trains;
- (b) Limbers and ammunition wagons for use with the arms enumerated in (b) and (d) of GROUP III;
- (c) Field artillery tractors;
- (d) Automobiles of special design and construction, made to specifications of the British Government, for use of the armed forces in the rapid movement of staff officers and troops;
- (e) Motor trucks of special design and construction made to specifications of the British Government, for use of the armed forces in transporting ammunition, ordnance stores, engineering materials, army service corps supplies, etc., and for the movement of troops, including such special motor trucks equipped as mobile stores, workshops and wreckers;
- (f) Tire chains of special construction, for field artillery tractors and army motor vehicles.

GROUP VI

Aircraft

- (a) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, which by reason of their design or construction are adapted or intended either for military or naval reconnaissance, or for aerial combat by the use of machine guns or artillery, or for the carrying and dropping of bombs, or which are equipped with or prepared for any of the appliances enumerated in paragraph (b) of this GROUP;
- (b) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms;
- (c) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, other than those included in (a) of this GROUP;
- (d) Propellers or air screws and blades therefor, fuselages, hulls, wings, tail units, under-carriage units, skis, pontoons and wheels for aircraft;
- (e) Aircraft engines, unassembled, assembled or dismantled;
- (f) Parachutes and tow targets;
- (g) Special training appliances and instruments for the training of air force personnel.

GROUP VII

Ships

Vessels of war of all kinds, including aircraft carriers, submarines, submarine chasers, patrol boats, and mine sweepers.

GROUP VIII

Electric Cable, of a "De-Gaussing" or de-magnetizing character, for the equipment of vessels as a protection against magnetic mines.

GROUP IX

Searchlight units, mobile or stationary, and electric generating equipment for use therewith.

GROUP X

Other implements of war as from time to time may be determined by the Minister of National Revenue.

GROUP XI

Component parts of the munitions of war enumerated in the foregoing GROUPS.

Order in Council extending provisions of the Consolidated Regulations
Respecting Trading with the Enemy (1939) to the territory
of Roumania

The Canada Gazette (Extra) October 18, 1940

P.C. 5764

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 18th day of October, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, reports that in consequence of uncertainty surrounding the present situation in Roumania and reports which indicate that enemy forces, with or without the concurrence of the Roumanian authorities, are present or have occupied substantial areas in that country, it is necessary and expedient, with the view of preventing any of the resources in Canada of residents of Roumania coming under the control of the enemy or agents of the enemy, to place under protective custody all property in Canada of persons residing in Roumania and to regulate trading with such persons; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's office established under the Consolidated Regulations Respecting Trading with the Enemy (1939) and to confer on the Secretary of State the powers of regulation and

control in respect of such property in Canada of persons residing in Roumania which are exercisable by him as Secretary of State and as Custodian under the Consolidated Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory;

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State of Canada, with the concurrence of the Minister of Finance, and under and by virtue of the War Measures Act (R.S.C. 1927, Chapter 206), is pleased to order as follows,—

From and including the 12th day of October, 1940, the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to the territory of Roumania as proscribed territory.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending National Registration Regulations, 1940

The Canada Gazette (Extra) October 21, 1940

P.C. 5792

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 18th day of October, 1940.

PRESENT:

The Deputy of
His EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Acting Minister of National War Services reports that as a result of experience in the administration of the National Registration Regulations, 1940, it is now deemed necessary to make certain amendments in the said Regulations;

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National War Services and under and by virtue of the powers conferred by the National Resources Mobilization Act, 1940, and the War Measures Act, is pleased to amend the said regulations, established by Order in Council of the 12th July, 1940 (P.C. 3156), and they are hereby further amended as follows:—

1. Regulation No. 12 is amended by adding thereto the following subsections (3) and (4):

“(3) Any person registered under these regulations whose registration certificate has been lost or destroyed shall, on application at any post office in Canada, be furnished with a form of affidavit (Form Y to be supplied to the Post Office Department by the Department of National War Services) to be completed by the registrant as hereinafter provided and forwarded by post to the Dominion Statistician at Ottawa whereupon a duplicate registration certificate may be issued to such registrant by the Dominion Statistician which duplicate shall take the place and serve the purposes of the original registration certificate.

(4) Any such affidavit aforesaid may be taken by persons authorized by law to take affidavits and in addition by such employees of the post office as may be nominated by the Postmaster General for the purpose and employees so nominated are hereby duly authorized to administer oaths in the manner required by law: Provided, however, that the authority hereby conferred shall be restricted to the taking of the affidavits hereinbefore mentioned."

2. Regulation No. 27 is amended by adding thereto the following subsections (2) and (3):

"(2) Any person registered under these regulations who has changed his or her place of residence as aforesaid shall, on application at any post office in Canada, be furnished with a form of notice to be completed by the registrant and forwarded by post to the Dominion Statistician at Ottawa. The said notice shall be in Form X.

(3) Any woman registered under these regulations who afterwards marries as aforesaid shall, on application at any post office in Canada, be furnished with a form of declaration (Form Z) to be completed by the registrant and handed to the postmaster together with the registrant's registration certificate whereupon a new registration certificate may be issued to such registrant by the postmaster, which new registration certificate shall bear the married name of the registrant."

The Deputy of His Excellency in Council is hereby further pleased to approve the annexed Forms X, Y and Z for use under the aforesaid National Registration Regulations.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

NOTE: Forms X, Y and Z not printed in this Volume.

Order in Council authorizing medical treatment *re* venereal disease

P.C. 5831

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 22nd day of October, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that in the interests of the public, and in order to minimize the risk of infection from venereal disease, it is desirable that certain precautions be taken with respect to members of the Naval, Military and Air Forces of Canada serving on active service, who are about to be discharged from said Forces, and who have had venereal disease;

That the matter has been considered by the Dominion Council of Health in conjunction with the Medical Officers of the Departments of National Defence and Pensions and National Health, who are of the opinion that the procedure set out hereunder will, if adopted, minimize to a considerable extent the risk of infection.

Therefore, the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Statute or Law, is pleased to order and doth hereby order and declare as follows,—

1. A member of the Naval, Military or Air Forces of Canada serving on active service, (hereinafter referred to as a "member of the Forces"), who during his service has had venereal disease, and who is about to be discharged from the Forces, or is about to cease to serve on active service, shall be required to be medically examined by appropriate Service Medical Officers.

2. If such member of the Forces has had venereal disease (Syphilis) during his service, he shall be required to submit to a serological test, and if continuation of treatment is indicated he shall be warned by the appropriate Medical Officer of his condition, and advised to undergo further treatment.

3. If such member of the Forces has had venereal disease (Gonorrhea) during his service, and is still infectious, he shall be warned by the appropriate Medical Officer of his condition and advised to undergo further treatment.

4. With respect to every such member of the Forces as aforesaid, who on discharge, or on ceasing to serve on active service, is found to be suffering from venereal disease (Syphilis or Gonorrhea), a report will be sent confidentially to the Deputy Minister of Health, or other appropriate Health Authority of the Province to which the member of the Forces will be proceeding. Said report shall set out the name and address of the member of the Forces concerned, together with a diagnosis of the case, and other medical information as the circumstances require.

5. The provisions of this Order shall be deemed to have come into force and to have effect as of and from the first day of October, 1940.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council extending restrictions on importation of fresh or frozen
pork to December 31, 1940

P.C. 5886

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 22nd day of October, 1940.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council dated the 23rd day of February, 1940 (P.C. 768), under the authority of the War Measures Act, it was ordered that the importation into Canada of fresh or frozen pork under tariff item 7, Meats, fresh, n.o.p.:—ex (c) Pork, shall, for the term of the current Bacon Agreement with the United Kingdom, viz., until October 31st, 1940, be restricted so that the imports in any calendar month shall not exceed a quantity equivalent to the average monthly imports during the period January 1st to September 30th, 1939; this restriction to be effected on and after February 26th., 1940, by means of a prohibition of the importation of fresh or frozen pork except under licence issued according to regulations to be prescribed by the Minister of National Revenue;

And whereas the Bacon Board have recommended that, in view of the fact that the terms of the Bacon Agreement for 1940-41 in respect of volume and price of bacon are not yet known, the effective period of restricted importation of fresh or frozen pork fixed under the said Order in Council as October 31, 1940, be extended to December 31, 1940.

Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Agriculture and under the authority of the War Measures Act, is pleased to amend the Order in Council of the 23rd of February, 1940, (P.C. 768), and it is hereby amended by deleting the date "October 31, 1940" therefrom and substituting the date "December 31, 1940" therefor.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council establishing Inter-departmental Committee on Labour
Co-ordination

P.C. 5922

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 25th day of October, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Labour reports that several branches of the Dominion Government as well as of the Provincial Governments have jurisdiction in matters affecting labour as related to the war effort;

That this divided responsibility makes prompt and co-ordinated action difficult; and

That unless unified planning and co-ordination in the work of the various agencies are secured effort to deal effectively with the matters affecting labour will be seriously hampered, especially as the problems involved become more acute.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, concurred in by the Minister of Munitions and Supply and the Minister of National Defence, is hereby pleased to order as follows:—

1. There shall be an Inter-departmental Committee on Labour Co-ordination which shall be charged with the planning and co-ordination of the functions and activities of the various government agencies in relation to matters affecting labour;

2. The Committee shall consist of:—

Dr. BRYCE M. STEWART, Deputy Minister of Labour designate, as Chairman;

Dr. W. A. MACKINTOSH, Economic Adviser of the Department of Finance;
Colonel GEORGE S. CURRIE, of the Department of National Defence;

Major-General L. R. LAFLECHE, Associate Deputy Minister of National War Services;

Mr. H. B. CHASE, Director of Labour Relations of the Department of Munitions and Supply; and

Mr. A. J. HILLS, Chairman of the National Labour Supply Council.

3. It shall be the duty of the Committee

(a) To promote co-ordination of the functions and activities of all government agencies in relation to matters affecting labour and to obtain the co-operation of provincial governments;

(b) To anticipate, as far as possible, the labour and manpower requirements of the war program as a whole, and to recommend to the various departments having to do with these matters the most effective ways and means of meeting such requirements;

(c) To consider the needs of the war program with respect to training employees in industry, in technical schools or otherwise, and to recommend such further provision as may be deemed advisable;

(d) To maintain close and direct contact with industries engaged on war contracts and, in co-operation with the Department of Munitions and Supply, to assist them in meeting their labour requirements;

(e) To refer questions to and consult with the National Labour Supply Council in order to secure the considered judgment of employers and employees on measures and practices proposed with a view to obtaining their co-operation in such measures and practices as may be adopted, and that the said Committee be charged with the responsibility of ensuring the carrying out of any approved plans in respect of the foregoing matters;

(f) To formulate a plan whereby competition between employers engaged on the war program may be eliminated;

(g) To formulate a plan whereby employees and employers may be transferred from non-essential to essential war industries with the least possible disruption; and

- (h) To report from time to time as may be necessary to a Committee of the Cabinet on Labour Supply, consisting of the Minister of Labour as Chairman, the Minister of Munitions and Supply, the Minister of National Defence, the Minister of Finance, and the Minister of National War Services.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council approving regulations for War Savings Certificates held by a church

The Canada Gazette, November 2, 1940

P.C. 5966

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 26th October, 1940.

The Committee of the Privy Council have had before them a report, dated October 23, 1940, from the Minister of Finance, representing:—

That by Order in Council P.C. 2184 dated May 24, 1940, the issue and sale of War Savings Certificates was authorized, and by Order in Council P.C. 2185, dated May 24, 1940, regulations respecting War Savings Certificates were approved;

That the said Orders in Council, as amended, provide that War Savings Certificates shall not be transferable and that no person shall hold or have any interest in War Savings Certificates dated in any one calendar year exceeding a total maturity value of \$500 for the calendar year 1940 and \$600 for subsequent calendar years;

That it is desirable to provide that War Savings Certificates may, upon the conditions set out below, be held by a church, in excess of the limits above mentioned.

The Minister, accordingly, recommends:

1. That any church may, subject to the conditions set out below, hold or have an interest in War Savings Certificates dated in any one year having a maturity value in excess of \$500 for the calendar year 1940 and in excess of \$600 for subsequent calendar years; provided, however, that such excess in any one calendar year shall be limited to the amount of the maturity value of War Savings Certificates donated to any such church in any such calendar year and the amount of the maturity value of War Savings Certificates purchased by any such church with moneys and/or War Savings Stamps donated for that purpose by any person or group of persons; and provided further that the maturity value of War Savings Certificates donated by any one person in any calendar year and the maturity value of War Savings certificates purchased with moneys or War Savings Stamps donated by the same person shall not exceed \$500 for the calendar year 1940 and \$600 for subsequent calendar years;

2. That the conditions above referred to, be as follows:

- (a) no church shall be eligible to hold or have any interest in War Savings Certificates having a maturity value in excess of \$500 for the calendar year 1940 and in excess of \$600 for subsequent calendar years unless it has made application to the War Savings Committee so to do and its application has been approved;

- (b) a church shall only be entitled to purchase War Savings Certificates under the provisions hereof with moneys and/or War Savings Stamps received by such church as a result of a campaign for the raising of moneys for the purchase of War Savings Certificates;
- (c) any church desiring to take advantage of the provisions hereof shall, at the time any donation of War Savings Certificates is made, notify the War Savings Committee giving the following particulars—
 - (i) the name of the donor;
 - (ii) the address of the donor;
 - (iii) the number of the War Savings Certificate;
 - (iv) the denomination of the War Savings Certificate;

and shall at the time any War Savings Certificates are purchased with moneys or War Savings Stamps donated for that purpose, notify the War Savings Committee giving the following particulars—

- (i) the name of the person or group of persons from whom the moneys or War Savings Stamps were received;
- (ii) the amount of cash or War Savings Stamps donated by any individual either directly or as a member of a group if the amount is for \$4 or more;
- (iii) the address of the person or group of persons;
- (iv) the number of the War Savings Certificate;
- (v) the denomination of the War Savings Certificate.
- (d) War Savings Certificates donated to, or purchased by, any church under the provisions hereof shall be registered in the name of the church and shall not be subject to redemption before maturity;
- (e) no War Savings Certificates shall be transferred under the provisions hereof but a person may, on the purchase of a War Savings Certificate, request that the Certificate be registered in the name of a church.

3. That the Minister of Finance be hereby authorized in his discretion to issue any War Savings Certificate in such form or forms as may be necessary to give effect to the provisions thereof or to continue to issue War Savings Certificates in the form approved by Order in Council P.C. 2184 dated May 24, 1940.

4. That Order in Council P.C. 2184 dated May 24, 1940 (as amended), and Order in Council P.C. 2185 dated May 24, 1940 (as amended), be hereby amended to give effect to the foregoing.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council requiring permit to export certain articles useful in the
production of munitions of war

The Canada Gazette, November 9, 1940

P.C. 5994

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 26th day of October, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Revenue, with the concurrence of the Secretary of State for External Affairs, submits that it is considered desirable that steps should be taken to provide for the control of the exportation from Canada of certain articles, in addition to those mentioned in paragraph (1) of Order in Council (P.C. 2785), dated 20th September, 1939, and (P.C. 287), dated 23rd January, 1940, deemed capable of being converted into or made useful in the production of arms, ammunition, implements or munitions of war, or military, naval or air stores, in order to safeguard domestic and military requirements for such articles, and to carry out more effectively the regulations respecting trading with the enemy 1939.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue, with the concurrence of the Secretary of State for External Affairs, is pleased to order and it is hereby ordered as follows:—

1. No person shall export any of the articles enumerated and described hereunder without first having obtained a permit issued by, or on behalf of, the Minister of National Revenue, namely:

A. IRON AND STEEL IN THE FOLLOWING FORMS

Slabs and sheet bars;
Bars;
Structural shapes, including beams, angles, channels and special sections;
Plates;
Sheets and strips;
Galvanized sheets;
Tin mill black plate and tin plate;
Wire rods;
Wire, including twisted or stranded, and wire rope and cable;
Railway spikes, and railway tie plates and other track fastenings;
Bolts, nuts and screws.

B. MACHINE TOOLS AS FOLLOWS

Lathes, planers, shapers, boring machines (horizontal and vertical), jig boring machines, drills of all descriptions, gear cutters, grinders, milling machines, honing machines, slotting machines, thread millers, engraving machines, broaching machines, lapping machines, die machines, forging machines, stamping machines and any tool designated as a machine tool which is made stationary on a floor or platform; also dies, jigs, machine tool fixtures, gauges, presses (both hydraulic and mechanical), draw benches.

C. INDUSTRIAL DIAMONDS

D. CHROME ORE

2. Applicants for permits shall furnish in respect of each proposed shipment for export information in writing in the manner and form approved by the Minister of National Revenue, setting forth details as to the seller, purchaser, consignor, consignee, description, quantity, value and specific purpose of the proposed shipment or of the articles proposed to be exported, port to which goods would be consigned and vessel by which they would be carried.

3. Export permits issued hereunder shall not be transferable and shall be subject to revocation at any time without notice.

4. This Order shall come into force on the date of publication thereof in *The Canada Gazette*.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council establishing Inter-Government Inspection Board

P.C. 5995

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 26th day of October, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that in the interests of efficiency and economy in the inspection service with respect to munitions of war and supplies being produced, manufactured or assembled in the Dominion of Canada and the United States of America, it is desirable to establish an inspection board which will co-ordinate the activities of the inspection services on the North American continent of the Governments of the United Kingdom and Canada.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, with the concurrence of the Minister of Finance, and under and by virtue of the War Measures Act R.S.C. 1927, C. 206, is pleased to order and doth hereby order as follows:

1. There shall be a board to be known as the Inter-Government Inspection Board (hereinafter called the Board) to consist of four members: two members shall be appointed by the United Kingdom Government, and two members shall be appointed by the Canadian Government. The Chairman shall be appointed after consultation between the Governments of the United Kingdom and Canada.

2. The duties of the Board shall be to inspect and certify such classes of munitions and supplies as shall be directed by either or both governments and to act as the agent of the contracting government in the performance of such duties.

3. The Board shall have power to enter into an agreement or agreements with either or both of the said governments for the purpose of further defining and carrying out its duties; and the Minister of National Defence is hereby empowered to execute any such agreement on behalf of the Canadian Govern-

ment; the Board shall also have power to make such regulations as may be required for the carrying out of its duties, subject to the approval of the Minister of National Defence and the United Kingdom High Commissioner in Canada.

4. Under and by virtue of the War Measures Act the Board may employ such officers, clerks and employees as is deemed advisable for periods not exceeding six months and renew such employment from time to time, subject to review by the Minister of National Defence and the United Kingdom High Commissioner, for further periods not exceeding six months, and fix the rates of compensation subject to the terms of the regulations mentioned in the last preceding paragraph. Appointments at a monthly rate of salary in excess of \$360 shall be subject to the approval of the Minister of National Defence and of the United Kingdom High Commissioner in Canada.

5. Each of the Governments concerned will fix and pay the salary and allowances of its members on the Board.

6. The costs of the Board of Inspection services and of salaries of personnel shall be apportioned between the two governments according to the services performed on behalf of the said governments.

7. The Board shall report periodically to the two governments through the United Kingdom High Commissioner in Canada and the Minister of National Defence at intervals of not more than six months.

His Excellency in Council, on the same recommendation and under the authority of the Civil Service Superannuation Act, R.S.C. 1927, C. 24, the Civil Service Superannuation and Retirement Act, R.S.C. 1906, c. 17, and of the War Measures Act aforesaid, is further pleased to order that service under the Board by any permanent officer, clerk or employee of the Government of Canada who may be temporarily transferred or appointed to the Board and who at the time of such temporary transfer or appointment is a contributor to the Civil Service Superannuation Fund or to the Retirement Fund, shall be deemed to be service in the Civil Service of Canada for all purposes of the Civil Service Superannuation Act and the Civil Service Superannuation and Retirement Act, at the rate associated with his permanent position.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending Defence of Canada Regulations (Consolidation) 1940—interned persons not eligible to hold public office

The Canada Gazette (Extra), October 29, 1940

P.C. 6124

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 29th day of October, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports that it is considered advisable in the interest of the public safety, the safety of the Senate and the efficient prosecution of the war that persons who have been detained or interned under the provisions of the Defence of Canada Regulations (Consolidation), 1940, and while so detained or interned, or who have been convicted of an offence against regulation 39C of the said Regulations, should be prohibited from holding any public office.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and pursuant to the provisions of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend the Defence of Canada Regulations (Consolidation), 1940, made by Order in Council P.C. 4750 of the 12th September, 1940, and they are hereby amended by adding thereto as regulation 65, the following:—

“ 65. Notwithstanding anything contained in any statute or other law, no person who has been detained or interned under the provisions of these Regulations, and while so detained or interned, or who has been convicted of any offence against regulation 39C of these Regulations, shall be eligible as a candidate for any public office at any municipal, provincial or Dominion election, or otherwise.”

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending Defence of Canada Regulations (Consolidation) 1940—provisions respecting inventions and designs

The Canada Gazette (Extra), November 4, 1940

P.C. 6133

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 2nd day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Regulation No. 19 of the Defence of Canada Regulations makes certain provisions respecting inventions and designs and provides that the Commissioner of Patents may take or omit to take certain action, on the advice of the Minister of National Defence;

And whereas, since this Regulation was made, the Department of Munitions and Supply has been established and the Secretary of State submits that it is expedient to provide that the Minister of Munitions and Supply may be empowered, in addition to the Minister of National Defence, to give the directions contemplated by the said Regulations.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Secretary of State and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend the Defence of Canada Regulations (Consolidation), 1940 (P.C. 4750, 12th September, 1940), as follows:—

Regulation No. 19 is hereby revoked and the following new Regulation substituted therefor.

19. (1) Where, either before or after the coming into force of this Regulation, an application has been made to the Commissioner of Patents, for the grant of a patent or the registration of a design, the said Commissioner, if satisfied, on the advice of the Minister of National Defence and the Minister of Munitions and Supply, or either of them, that it is expedient in the interests of the safety of the State or the efficient prosecution of the war so to do, may, notwithstanding anything in any Act, omit or delay the doing of anything

which he would otherwise be required to do in relation to the application, and give directions for prohibiting or restricting the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons.

(2) No person shall, except under the authority of a written permit granted by, or on behalf of, the Commissioner of Patents, make any application for the grant of a patent, or the registration of a design, in any foreign country.

(3) The Minister of National Defence or the Minister of Munitions and Supply, if it appears to him to be necessary or expedient in the interests of the safety of the State or the efficient prosecution of the war so to do, may give directions to any person requiring him to furnish to such authority or person as may be specified in the directions any such information in his possession relating to any invention, design or process as may be specified in the directions, or demanded of him by the said authority or person.

(4) The right of a person to apply for, or obtain, a patent in respect of an invention or registration in respect of a design shall not be prejudiced by reason only of the fact that the invention or design has previously been communicated to a person in compliance with paragraph (3) of this Regulation, or used by a person in consequence of such communication, and a patent in respect of an invention, or the registration of a design, shall not be held to be invalid by reason only that the invention or design has been so communicated or used as aforesaid.

(5) In connection with the making, use or exercise of any invention or design on behalf of, or for the services of, the Crown, the Minister of National Defence or the Minister of Munitions and Supply may authorize the use of any drawing, model, plan or other document or information in such manner as appears to him to be expedient in the interests of the safety of the State or the efficient prosecution of the war, notwithstanding anything to the contrary contained in any licence or agreement; and any licence or agreement, if and so far as it confers on any person, otherwise than for the benefit of the Crown, a right to receive any payment in respect of the use of any document or information in pursuance of such authorization, shall be inoperative.

(6) In addition to any other penalty which may be imposed, the Commissioner of Patents, with the approval of the Secretary of State of Canada, may, in his absolute discretion subject to such terms and conditions as he may think fit, order the avoidance or suspension in whole or in part of any patent or licence, the person entitled to the benefit of which either is the subject of any State at war with His Majesty or has contravened any provision of this Regulation or any order of the Commissioner of Patents issued under the authority of this Regulation:

Provided always that the Commissioner may at any time, with the approval of the Secretary of State of Canada, in his absolute discretion revoke any avoidance or suspension of any patent or licence ordered by him.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending Defence of Canada Regulations (Consolidation) 1940—registration of British subjects of German or Italian origin

The Canada Gazette (Extra) November 5, 1940

P.C. 6150

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 2nd day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports that it has been reported by the Royal Canadian Mounted Police that certain persons who are guilty of technical offences of not registering in accordance with the provisions of the Defence of Canada Regulations relating to enemy aliens, have been ordered interned under the provisions of paragraph (9) of Regulation 25 of the said Regulations;

That the Regulations as originally framed applied only to enemy aliens, but that in view of the provisions of Regulation 26B, which were enacted after the passage of the original Regulations, British subjects of German or Italian origin naturalized since 1922 come within the provisions of said paragraph (9) of Regulation 25;

That in view of the fact that certain persons who were not required to register under the original Regulations were under the impression that they were not affected by the subsequent Regulation due to the fact that they were naturalized, some of them have been guilty of the offence of failing to register; and

That the Royal Canadian Mounted Police are of the opinion that in such cases internment should not follow upon conviction.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is pleased to amend the Defence of Canada Regulations (Consolidation) 1940, as follows,—

Paragraph (9) of Regulation 25 is hereby revoked and the following substituted therefor:

“(9) If any enemy alien who is by the terms of this Regulation required to register, fails to do so within one month of the notice referred to in paragraph (5) of this Regulation or within seven days after the date when he shall by reason of his residence come within the description of those required to register, whichever date shall be last, or if he refuse or fail to answer truly any of the questions put by the Registrar, or if being registered he fail to report as hereinbefore required or to observe any of the conditions upon which he is permitted to be at liberty, he may in addition to any other penalty to which he may therefor by law be liable, be interned as a prisoner of war on the order of the Minister of Justice or the Registrar General of Enemy Aliens.”

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council approving amendments—National War Services
Regulations 1940 (Recruits)

The Canada Gazette (Extra) November 5, 1940

P.C. 6184

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 2nd day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National War Services and under and in virtue of the powers conferred by The National Resources Mobilization Act, 1940, and the War Measures Act, is hereby pleased to amend the National War Services Regulations, 1940 (Recruits) established by Order in Council of 27th August, 1940, as follows:—

1. Sub-Section (3) of Section 2 is hereby rescinded and the following is substituted therefor:

“2. (3) For the purposes of these Regulations and of any proceedings taken thereunder, any notice required to be given by registered post, or any other communication sent through His Majesty's Mails shall be presumed, until the contrary is proven, to have been received by the addressee within seven clear days of the posting of such registered letter or any such other communication.”

2. The following new Sub-Section is inserted as Sub-Section (4) of Section 2:

“2. (4) Any registered letter, or any other communication posted by a Divisional Registrar, if undelivered or unclaimed at the end of seven clear days of the posting, shall be returned by the Post Office to the Divisional Registrar who posted it.”

3. The following new Sub-Section is inserted as Sub-Section (9) of Section 9:

“9. (9) No application for a postponement order shall be received by the Divisional Registrar who issued the ‘Notice—Medical Examination’, if made after eight clear days of the date appearing upon such ‘Notice—Medical Examination’.”

4. Sub-Section (1) of Section 25 is hereby rescinded and the following is substituted therefor:

“25. (1) If, at any time, while a man is liable to be called out, any change occurs in his address or in his matrimonial status he shall forthwith notify such change to the Divisional Registrar of the Administrative Division in which the man resides, and if he fails to do so, he shall be guilty of an offence, and liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding one hundred dollars or to both such imprisonment and such fine.”

5. The following new Sub-Section is inserted as Sub-Section (2) of Section 25:

"25. (2) Immediately upon being notified of the change of address of any man mentioned in Sub-Section (1) of this Section, the Divisional Registrar shall transfer the copy of the Registration Card and other records of the man concerned to the Divisional Registrar of the Administrative Division to which the man has moved, and the latter Divisional Registrar shall deal with the man in the usual manner."

(Sgd.) A. D. P. HEENY,
Clerk of the Privy Council.

Order in Council establishing Veterans' Welfare Division to assist former members of the forces in matters pertaining to re-establishment in civil life

P.C. 6282

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY the 27th day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under the provisions of Order in Council P.C. 4068 $\frac{1}{2}$, dated the 8th October, 1939, there was constituted a Special Committee of the Cabinet to procure information respecting, to give full consideration to, and to report regarding the problems which will arise from the demobilization and discharge from time to time of members of the forces during and after the conclusion of the present war, and the rehabilitation of such members into civil life;

And whereas under the provisions of Order in Council, P.C. 5421, dated the 8th October, 1940, a General Advisory Committee was constituted pursuant to the provisions of the aforesaid Order in Council, P.C. 4068 $\frac{1}{2}$, whose functions it would be to take into consideration those matters assigned to the aforesaid Special Committee and to submit to such Special Committee of the Cabinet such reports and recommendations respecting information received and consideration given, and the plans formulated, as might seem to the General Advisory Committee necessary to keep the Special Committee of the Cabinet informed in respect thereto;

And whereas the Minister of Pensions and National Health reports that he, Convener of the aforementioned Special Committee of the Cabinet has received the attached report and recommendations from the Chairman of the General Advisory Committee which, after mature consideration, have been approved and are now recommended by the Special Committee of the Cabinet;

That notwithstanding that the report and recommendations of the General Advisory Committee quite properly concern only former members of the forces who served or may serve during the present war, it is considered that such advice, services and assistance as is recommended in the report aforementioned should be equally available to those persons who served with the forces during the Great War, and who may not have been successfully re-established in civil life;

And whereas the Department of Pensions and National Health Act, Chapter 39 of the Statutes of 1928, provides that the Minister of Pensions and National Health shall have the management and control of all such matters as are assigned to him from time to time by the Governor in Council relating in any way to the care, treatment or re-establishment in civil life of all persons who, since the 1st day of August, 1914, served in the Naval, Military or Air Forces of His Majesty, or any of His Majesty's Allies, and to the care of the dependents of such persons;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health, and by virtue of the authorities aforementioned and under and by virtue of the War Measures Act, Chapter 206, R.S.C. 1927, and notwithstanding anything to the contrary contained in any other Act or Regulation, is pleased to order and it is hereby ordered as follows:—

1. There shall be in the Department of Pensions and National Health a Division to be known as the Veterans' Welfare Division, the functions of which shall be to advise and assist former members of the forces in matters pertaining to re-establishment in civil life, and to perform such other duties as may be prescribed by the Minister of Pensions and National Health relating to the welfare of such former members of the forces and, for greater certainty, but not so as to restrict the generality of the foregoing, such Division shall be charged with the following specific duties:

- (a) To establish sub-divisions at such points throughout Canada at which the Department of Pensions and National Health maintains offices and/or where the establishment of such sub-divisions is deemed to be advisable;
- (b) To interview, advise and assist former members of the forces;
- (c) To become conversant with all the regulations relating to pensions, allowances, medical treatment, employment, training, social welfare, aids, housing scheme, land settlement, and all policies that may be of assistance to such former members of the forces;
- (d) To make a study of all occupational opportunities in the several areas at which sub-divisions may be established pursuant to the provisions of sub-paragraph (a); to encourage employers to re-employ persons who, previous to their enlistment, were in their service; to endeavour to secure preferences in employment for former members of the forces, to co-operate and keep in constant touch with the Employment Service in Canada in regard to available employment.
- (e) To secure information through the Department of National Defence with respect to members of the forces arriving in the several areas for discharge and to arrange for notification to be sent to their families and to encourage voluntary local committees to welcome them on arrival;
- (f) To maintain contact with veterans' organizations for the purpose of fostering interest in the rehabilitation of former members of the forces and to keep in touch with educational activities of the Canadian Legion War Services and other bodies designed to assist members of the forces;
- (g) To develop good public relations by the maintenance of contact with the press regarding the civil re-establishment of former members of the forces;
- (h) To report to the General Advisory Committee on the activities and requirements in each district and on the results attendant upon the operation of such policies as may be planned or operated for the purpose of re-establishing former members of the forces in civil life.

All expenditures made under this Order shall be paid out of moneys to be allotted to the Department from funds provided under the War Appropriation Act.

In this Order, unless the context otherwise requires, "Former member of the Forces" means any person who, since the 1st day of August, 1914, served in the Naval, Military or Air Forces of His Majesty, or in any of the forces of His Majesty's Allies.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council establishing regulations respecting employment of persons engaged in the production of munitions, war equipment, supplies, etc.

The Canada Gazette (Extra) November 13, 1940

P.C. 6286

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 7th day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Labour reports that it is deemed necessary to promote the orderly employment of labour and to the end that the production of munitions, war equipment and supplies may not be hampered and, without limiting the individual rights of the workers, to prevent employers endeavouring to entice to their service those who are already engaged in the production of munitions, war equipment and supplies, by advertisement, or other form of solicitation;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act, is pleased to make the following regulations and they are hereby made and established accordingly:—

REGULATIONS

1. No person, firm, corporation, or agent thereof shall
 - (a) advertise in any newspaper, periodical or magazine,
 - (b) write, send or publish any letter, circular or notice, or
 - (c) display any poster, placard or other writing or document conveying to the public any information

for the purpose of engaging or employing anyone for service in any industrial or manufacturing establishment, or having reference to employment therein or designed or intended to induce any worker or employed person to enter the employment of any such person, firm or corporation, without inserting in clear type in any such advertisement, letter, circular, notice, poster, placard or other writing or document words to the following effect:

"Applications will not be considered from persons in the employment of any firm, corporation or other employer engaged in the production of

munitions, war equipment, or supplies for the armed forces unless such employee is not actually employed in his usual trade or occupation."

2. No person, firm, corporation, or agent thereof shall directly or indirectly solicit by word of mouth any person to enter his employ who is at the time engaged in the manufacture of munitions, war equipment, or supplies for the armed forces, unless such employee is not actually employed in his usual trade or occupation.

3. Every person who contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending Defence of Canada Regulations (Consolidation) 1940—detention of ships or aircraft in Canada

The Canada Gazette (Extra) November 9, 1940

P.C. 6328

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 7th day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas regulation 40A of the Defence of Canada Regulations (Consolidation) 1940, permits any person authorized by the Minister of National Defence or the Minister of National Revenue, if it appears to that person to be necessary in the interests of the Defence of Canada so to do, to detain in Canada any ship or aircraft;

And whereas it is deemed advisable to enlarge this provision to cover the detention of ships or aircraft under circumstances which might not be considered as coming within the regulation as it now stands;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and pursuant to the provisions of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend the Defence of Canada Regulations (Consolidation), 1940, made by Order in Council P.C. 4750 of the 12th September, 1940, and they are hereby amended by revoking paragraph (1) of regulation 40A and substituting therefor the following,

"40A. (1) Any person authorized by the Minister of National Defence or by the Minister of National Revenue to act under this regulation may, if it appears to that person to be necessary in the interests of the public safety, the safety of the State, the defence of Canada, the efficient prosecution of the war, or the maintenance of supplies and services essential to the life of the community so to do, give, with respect to any particular ship or aircraft at a port or place in Canada or within Canadian waters, directions that the ship or aircraft shall not leave the port or place or Canadian waters until permitted to do so by such authority or person as may be specified in the

directions and, in the case of a ship or aircraft in Canadian waters, that such ship or aircraft shall, in addition, proceed to a Canadian port or place named in the directions; and, if that ship or aircraft leaves or attempts to leave the port or place in contravention of any such directions as aforesaid or fails to proceed to the Canadian port or place named in the directions, the master of the ship or pilot of the aircraft, as the case may be, shall be guilty of an offence against this regulation: Provided that the directions given under this paragraph shall cease to have effect seventy-two hours after the time at which they are given unless in the meantime they have been confirmed by the Minister of National Defence or the Minister of National Revenue."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing Wartime Prices and Trade Board to fix the price of butter

The Canada Gazette, November 23, 1940

P.C. 6410

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 13th day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 3998 of the 5th day of December, 1939, the Wartime Prices and Trade Board is empowered, subject to the approval of the Governor in Council, to fix maximum prices and maximum markups at which any necessary of life may be sold or offered for sale;

And whereas the Minister of Labour has received from the Wartime Prices and Trade Board representations to the effect that a continual upward trend in butter prices during the past six weeks has given rise to widespread concern on the part of consumers;

That the concern of consumers regarding prices is shared to a considerable extent by producers on the ground that the rapid increase in prices has occurred since the close of the period of major production and the transfer of the bulk of the product to distributors and speculators;

That enlarged national income is reflected in increased consumption of butter at a time when it appears that Canadian production, particularly in Ontario and Quebec, is lower, and reserve stocks are smaller, than in the corresponding period in 1939;

That the present prospect is that, by the end of March next, the combined Canadian production and reserve of butter may be insufficient for anticipated requirements;

That continued increase in the prices of butter may so stimulate its production as to prejudice the continued production of cheese, the price of which is virtually fixed by reason of the arrangement with the United Kingdom Government respecting the supply of large quantities to that country; and

That, for these reasons, it is deemed to be in the national interest that approval be given to the exercise by the Board of the power to fix from time to time the maximum prices or maximum markups at which any butter may be sold or offered for sale;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and pursuant to powers conferred by the War Measures Act and otherwise, is pleased to approve and doth hereby approve the exercise by the Wartime Prices and Trade Board of the power to fix from time to time the maximum prices or maximum markups at which any butter may be sold or offered for sale.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending Defence of Canada Regulations (Consolidation) 1940—"essential services"

The Canada Gazette, November 13 and 23, 1940

P.C. 6416

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 13th day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports that "essential services" are defined by sub-paragraph (d) of paragraph (1) of Regulation 2 of the Defence of Canada Regulations (Consolidation) 1940 (P.C. 4750, September 12, 1940), as follows:—

" 'essential services' means such services as may for the time being be declared by the Governor in Council to be essential for the prosecution of the war or to the life of the community."

That many applications have been made to have works and undertakings declared essential services within the meaning of the said Regulation; and

That he is of the opinion that the definition should be amended as hereinafter set forth;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and pursuant to the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is pleased to amend the Defence of Canada Regulations (Consolidation) 1940, and they are hereby amended by revoking sub-paragraph (d) of paragraph (1) of Regulation 2 and substituting therefor, the following:

"(d) 'essential services' means any of the following undertakings:

- (i) any undertaking for the supply of electricity, gas or water;
- (ii) any telegraph or telephone service or undertaking;
- (iii) any railway, light railway, tramway, canal, dock, harbour, pier or lighthouse undertaking;
- (iv) any irrigation works;
- (v) any mining or industrial undertaking engaged in the production of war materials or supplies; and
- (vi) any undertaking which may have been heretofore or may hereafter be declared by the Governor in Council to be essential for the prosecution of the war or to the life of the community."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing regulations *re* ships taken in prize

P.C. 6481

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 14th day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence for Naval Services, is pleased to order and it is hereby ordered, that the provisions of Orders in Council P.C. 2850, dated September 25, 1939; P.C. 1480, dated April 11, 1940, and P.C. 4535, dated September 11, 1940; P.C. 3531, dated 7th November, 1939; and P.C. 1358, dated April 5th, 1940, shall apply not only to vessels of Canadian registry, as specified in the said Orders in Council, but also to all vessels that have been or may be taken in Prize, or requisitioned, by the Canadian Government on and after the date on which the said vessels were taken in Prize or requisitioned, as the case may be, even if such vessels be not registered in Canada.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council establishing a Wartime Requirements Board

P.C. 6601

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 16th day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under and by virtue of the Department of Munitions and Supply Act, the Minister of Munitions and Supply has, among other duties, the duties of organizing the sources of supply of munitions of war and other supplies and the agencies available for the supply of the same and of mobilizing, conserving and co-ordinating the economic and industrial facilities available in respect of munitions and supplies for the effective prosecution of the present war;

And whereas the Minister of Munitions and Supply reports that the war projects already initiated and those that may yet be undertaken can only be accomplished without delay and with a minimum disturbance to Canadian export trade in particular and Canadian economy in general by planning the most productive and direct use for war purposes of available supplies of materials, power, manufacturing plant and facilities and transportation facilities;

That it may be necessary shortly to formulate and promulgate rules and regulations to ensure that war needs in the order of their importance shall have priority over all other needs;

That it is deemed desirable that a special agency be created to be specifically charged with the duty of examining into and weighing the economic significance of the various projects as and wherever they originate, in relation to the maxi-

mun war effort of which Canada is capable, and for that purpose there should be appointed a Wartime Requirements Board with the powers hereinafter set forth;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply and pursuant to the provisions of the Department of Munitions and Supply Act and the provisions of the War Measures Act, is hereby pleased to order as follows:

(1) There shall be a Wartime Requirements Board to consist of the following:

Mr. HARVEY R. MACMILLAN, *Chairman.*

Dr. W. C. CLARK

Mr. GRAHAM F. TOWERS

Dr. BRYCE M. STEWART

Mr. ROBERT A. C. HENRY

Major-General L. R. LAFLECHE

Colonel GEORGE S. CURRIE

Lt.-Col. K. S. MACLACHLAN

Mr. HERBERT G. COLEBROOK

Mr. H. CARL GOLDENBURG, *Secretary.*

(2) The Wartime Requirements Board

- (a) shall have power to secure from any source information respecting existing or projected war needs involving the use of materials, power, manufacturing plants and facilities or transportation facilities, and, more particularly, to obtain from each of the fighting services and war purchasing agencies, as far in advance as possible, statements of their prospective needs in terms of values and of physical products, and also statements of all contracts and other commitments arising from the war program;
- (b) shall co-ordinate and analyze the aforementioned information with a view to estimating the total requirements of the war program and to its evaluation in terms of materials, power, manufacturing plants and facilities and transportation facilities required;
- (c) shall formulate such plan or plans as may be necessary to ensure that war needs in the order of their importance shall have priority over all other needs;
- (d) shall keep the Department of Munitions and Supply, and the Controllers and Divisions thereof and any other department of the government informed upon the foregoing matters with a view to planning the most productive use for war purposes of available supplies of materials, power, manufacturing plants and facilities, and transportation facilities;
- (e) shall report on such matters as may be referred to it by the War Committee of the Cabinet and shall, through the Minister of Munitions and Supply, make all its reports available to the Members of said Committee; and
- (f) shall exercise such other powers and functions as may, from time to time, be conferred upon it by the Governor General in Council or by the Minister of Munitions and Supply.

His Excellency in Council is hereby further pleased to order that the administration expenses incurred by the Wartime Requirements Board in the exercise of the powers aforesaid, including travelling expenses of any person acting under its authority, be paid out of the funds provided under the War Appropriation Act.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council requiring persons employed by the Department of
Munitions and Supply to take an oath of allegiance**

P.C. 6640

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 20th day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under the Department of Munitions and Supply Act provision is made for the incorporation of companies for the purpose of exercising and performing in Canada or elsewhere any of the powers conferred or the duties imposed on the Minister by that Act or by Order in Council;

And whereas the Minister of Munitions and Supply reports that no provision has been made for the taking of an oath of secrecy by employees, officials or directors of such companies so incorporated;

That a form of oath of secrecy has been prepared and all employees of the Department of Munitions and Supply have been requested to sign the same; and

That it is in the public interest that all persons employed directly or indirectly by the said Department and all employees, officials and directors of such companies should take an oath of secrecy.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply and under and by virtue of the War Measures Act, is pleased to order and doth hereby order and direct that

(a) all persons employed either directly or indirectly by the Department of Munitions and Supply, and all persons performing services on behalf of the said Department be required to take an oath in the form set forth in Schedule "A" hereto annexed or in such other form as the Minister of Munitions and Supply may from time to time prescribe, and that all employees, officials and directors of any company incorporated under the provisions of the Department of Munitions and Supply Act be required to take an oath in such form as the Minister of Munitions and Supply may from time to time prescribe;

(b) such oath may be administered by any person authorized to take affidavits to be used in the Provincial or Dominion courts, or by any other functionary authorized by law to administer an oath in any matter;

(c) this Order in Council shall be deemed to have come into force and to be effective as from the ninth day of April, 1940.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

FORM OF OATH
DEPARTMENT OF MUNITIONS AND SUPPLY

Date.....

Name

Address

BranchClassification

I,solemnly swear
that I will faithfully and honestly fulfil the duties which devolve upon me and
shall not divulge any knowledge or information obtained by me in the course of
my employment to anyone not employed by the Department of Munitions and
Supply unless expressly authorized by my superior officers. So HELP ME GOD.

SWORN	before me at the city	}
of	in the County		
of	in the Province		
of	this		
day of	A.D.		
19			

.....
*A Commissioner for taking affidavits
for the Province of*

Order in Council designating Military Forces of Canada as
"The Canadian Army"

P.C. 6645

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 19th day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that while under the Militia Act, Chapter 132 Revised Statutes of Canada, 1927, the Military Forces of Canada are described as "Militia", nevertheless the services and duties now being performed by the Military Forces of Canada, especially having regard to the numbers thereof which have been, and which will likely be placed on active service, are such that in his opinion the said Military Forces might more appropriately be described and designated as "The Canadian Army."

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, and notwithstanding the provisions of the Militia Act, Chapter 132 of the said Revised Statutes, and of any other Act or Law, is pleased to order and it is hereby ordered as follows:

1. The Military Forces of Canada shall henceforth be designated and described as "The Canadian Army." Those Formations and Units of the Military Forces of Canada placed on active service, or which have been embodied for continuous military service, including all personnel attached thereto or serving therewith, will be designated as "active" Formations, Units or personnel, as the case may be. All other Formations, Units or personnel of the said Military Forces will be designated as "Reserve" Formations, Units or personnel, as the case may be.

2. This Order shall come into force and effect as of and from the 7th day of November, 1940.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council, establishing Air Cadet Corps Regulations, 1940

P.C. 6647

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 19th day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence for Air reports that, on account of the expansion of the Royal Canadian Air Force and the important role which the Air Force now has, it is considered desirable to organize Air Cadet Corps in which boys who are too young to join the Royal Canadian Air Force may receive elementary training similar in principle to the Military training given to boys who are members of Military Cadet Corps organized under the Militia Act;

That Air Cadet Corps, administered under the direction of the Minister of National Defence for Air, would enable elementary Air Force training to be given to a number of boys with a minimum of expense and would thus provide a source of partially trained personnel which could be utilized to meet future Air Force requirements;

That it is desirable that such Air Cadet Corps be under Air Force control and direction, which would not be practicable if such Cadet Corps were organized under the provisions of the Militia Act.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence for Air and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, and notwithstanding the provisions of the Militia Act, Chapter 132 of the said Revised Statutes or any other Act or Law, is pleased to make the following regulations and they are hereby made and established accordingly.

1. The Minister of National Defence for Air may—

- (a) authorize boys who have attained the age of twelve years but have not attained the age of fifteen years, who are attending school, to be formed into Junior Air Cadet Corps;
- (b) authorize boys who have attained the age of fifteen years but have not attained the age of nineteen years to be formed into Senior Air Cadet Corps;

(c) authorize Air Cadet Corps, or any portion thereof, to drill or train for a period of not more than thirty days in each year.

2. Each Air Cadet Corps shall be subject to the authority and under the orders of the Officer Commanding the Royal Canadian Air Force Command in which such Corps is located.

3. Air Cadet Corps shall be drilled, trained and furnished with arms, ammunition and equipment, in such manner and under such conditions as the Minister of National Defence for Air may prescribe.

4. Air Cadet Corps shall not be liable to service in the Royal Canadian Air Force in any emergency.

5. These regulations may be cited as "Air Cadet Corps Regulations, 1940", and shall come into force and effect as of and from the 15th day of November, 1940.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council

Order in Council authorizing regulations respecting financial commitments *re* expenditures for War purposes

P.C. 6695

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 19th day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Finance reports that it is essential that the procedures relating to commitments and expenditures on War account should provide not only for adequate financial control but also for a method of securing expeditious decisions and giving a clear picture of total authorizations and commitments relating to various fiscal years;

That Section 29 of The Consolidated Revenue and Audit Act sets out the existing procedure to be followed before financial commitments are entered into and provides that no contract, agreement or undertaking of any nature involving a charge on the Consolidated Revenue Fund shall be entered into or have any force or effect unless the Comptroller of the Treasury or an officer of the Department of Finance designated by him and approved by the Treasury Board, shall have certified that there is a sufficient unencumbered balance available, out of the amount authorized by Parliament for the particular service, to pay any commitments under such contract, agreement or undertaking which would under the provisions thereof come in course of payment during the fiscal year in which such contract, agreement or undertaking is made or entered into;

That it is not possible to make precise estimates of the actual expenditures under contracts for War purposes which may fall for payment within any particular period (a) because future phases of the War and the degree of activity in certain spheres of action under present changing conditions cannot be predicted with any degree of certainty and (b) because the actual expenditures under contracts for War purposes depend upon such uncertain factors as the

numbers and priorities of orders on Canadian account and/or on account of the Government of the United Kingdom in relation to the available supply of labour, plant facilities and materials;

That the appropriations asked for from Parliament would be unduly inflated and unrealistic if they were to include estimates of the total cost of projects which will only come in part for payment within the current fiscal year; and

That paragraph (c) of subsection 1 of Section 5 of The War Appropriation Act 1940 empowers the Governor in Council to make regulations prescribing administrative practices with respect to the making of financial commitments;

Now, therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Finance is pleased to make the following regulations regarding the making of financial commitments with respect to expenditures for war purposes, and they are hereby made and established accordingly;

1. War programmes shall, in the first instance, be submitted for the approval of the Governor in Council or the War Committee and any major changes in or additions to an approved programme shall also be submitted for the approval of the Governor in Council or the War Committee. When submitting any original programme or changes in or additions to an approved programme the department concerned shall furnish in as much detail as is practicable at that time the information required under the next succeeding regulation.

2. Estimates of requirements for war expenditures under war programmes which have been approved by the Governor in Council or the War Committee shall be submitted by the department concerned to the Treasury Board in such detail as shall clearly show

- (a) the amount required for each service sub-divided according to such functions or activities as may be prescribed by the Treasury Board;
- (b) the amount required under each of the classifications established under the preceding paragraph (a) by objects of expenditure in such detail as shall clearly indicate the type of expenditure involved and the kinds and quantities of materials and equipment required;
- (c) the number of enlisted men and the amount of skilled and unskilled labour required, excluding the labour required for the manufacture of the kinds and quantities of materials and equipment involved;
- (d) whether the expenditures are of a recurring character or of a non-recurring character;
- (e) as nearly as possible the amounts of the proposed expenditures which will come for payment in the current fiscal year and in subsequent fiscal years;

3. Such estimates when approved by the Treasury Board shall constitute the authorized programme of the department concerned and the Comptroller of the Treasury, or an officer of the Department of Finance designated by him and approved by the Treasury Board, may issue financial encumbrances up to the amounts so approved.

4. In any case where,

- (i) the approval of the Governor in Council or the War Committee has been given, and
- (ii) the Minister or Deputy Minister of the Department concerned certifies that in order to carry out the programme expenditures or commitments are urgently required to be made before Treasury Board approval can be obtained,

the Minister of Finance may authorize the Comptroller of the Treasury to issue financial encumbrances up to an amount fixed by the Minister of Finance. In any such case the department concerned shall, as soon as possible, submit for the approval of the Treasury Board the estimates of such expenditures in the manner required by the preceding regulations.

5. No contract, agreement or undertaking of any nature involving a charge for war purposes upon the Consolidated Revenue Fund shall be entered into or have any force or effect unless a financial encumbrance is issued under the provisions hereof.

6. Every request for a financial encumbrance and every contract, agreement or undertaking shall clearly state the amount which it is anticipated will come for payment in the fiscal year in which the contract, agreement or undertaking is entered into and the amount, if any, which it is anticipated will come for payment in subsequent fiscal years.

7. Out of the appropriation made by parliament for war expenditures the Treasury Board shall from time to time authorize and determine the amounts which may be paid out of the Consolidated Revenue Fund for such purposes and expenditures under contracts, agreements or undertakings in respect of which financial encumbrances have been issued shall only be paid up to the unexpended portion of the aggregate amounts so allotted.

8. The Minister of Finance shall from time to time prepare statements for the information of the War Committee and the Treasury Board showing

- (a) the total *estimates* of the expenditures on war account approved by the Treasury Board;
- (b) the amount of the commitments in respect of which financial encumbrances have been issued;
- (c) the estimated amount of the commitments in respect of which financial encumbrances have been issued which will fall for payment in the current fiscal year;
- (d) the aggregate amount of the allotments made under The War Appropriation Act and the amount thereof which has been spent.

(Sgd. A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council prohibiting production of new models of certain
manufactured articles and machine tools**

P.C. 6765

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 20th day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under and by virtue of the Department of Munitions and Supply Act, the Minister of Munitions and Supply has, among other duties, the duty of organizing the resources of Canada contributory to, and the sources of supply of munitions of war and supplies and the agencies available for the supply of the same and of mobilizing, conserving and co-ordinating the economic and industrial facilities available in respect of munitions and supplies for the effective prosecution of the present war;

And whereas by Order in Council P.C. 4101, 22nd of August, 1940, Thomas Arnold, Esquire, of the city of Montreal, was appointed as Machine Tools Controller, with the powers and duties therein set forth:

And whereas the Machine Tools Controller represents that:

- (a) In order to organize, mobilize and conserve certain resources of Canada contributory to, and certain sources of supply of munitions of war and supplies and the agencies and facilities available for the supply of same;
- (b) In order to conserve and co-ordinate certain economic and industrial facilities in respect of such munitions and supplies; and
- (c) In order, particularly, to conserve the supply of human labour and skill available for the purposes aforesaid,

It is necessary:

(1) To prohibit the production of new models or designs of certain manufactured articles, and

(2) To prohibit the making or use of machine tools essential for and designed for use in production of such new models.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply and pursuant to the powers conferred by the Department of Munitions and Supply Act, and by the War Measures Act, is pleased to order and doth hereby order as follows:—

1. For the purposes of this Order in Council, the words "new model" shall mean a manufactured or fabricated article, of which the main design or style of the completed article, or of any part, component or feature essential to the operation or use thereof, shall be of a character sufficiently dissimilar to the type or types, model or models, design or designs of any article of like nature, prior to the date hereof made, assembled or produced by the same maker or producer, as to require for the making of the changes in design or style, the use, directly or indirectly, of machine tools or new dies, jigs, gauges, moulds, patterns or templates, or the employment of designers, draughtsmen or mechanics skilled in the making or use of machine tools or in the making of dies, jigs, gauges, moulds, patterns or templates. For greater particularity, but without in any way restricting or limiting the generality of the foregoing definition the words "new model" shall include any new model (commonly so called) of any motor vehicle, or of any other vehicle or machine, or of any railway rolling stock or part thereof or equipment therefor, or of any bicycle, refrigerator, stove or furnace for cooking or for heating buildings, sewing machine, washing machine, radio receiving set, vacuum cleaner, humidifier, typewriter, or of any chimney, bottle, jar or tumbler of glass, or of any electric household appliance or of any office equipment of any kind, which was not, prior to the date hereof on sale or in use in Canada.

2. No person, firm or corporation shall hereafter make, assemble or produce a new model of any machine, appliance or other article.

3. The provisions of paragraph Number 2 hereof shall not apply to minor changes of style, design, equipment or other features, for the making of which changes there is not required, in the opinion of the Machine Tools Controller, a substantial use of machine tools or an unduly large employment of designers, draughtsmen or mechanics skilled in the making and use of machine tools.

4. The Provisions of Paragraph Number 2 hereof shall not apply to the making or use of machine tools, dies, jigs, gauges, moulds, patterns, templates or other equipment or to the employment of designers, draughtsmen or skilled mechanics, where

- (a) in the opinion of the Machine Tools Controller, the making or use of such articles, and/or the employment of such persons is required merely to replace any such articles as have become unsuitable for use through wear or other sufficient cause; or
- (b) The Machine Tools Controller is satisfied that there is other good and sufficient reason therefor.

5. Application may be made to the Machine Tools Controller for permission to make a minor change or changes, such as are referred to in paragraph Number 3 hereof; or to make or make use of the articles or to employ the skilled labour referred to in paragraph Number 4 hereof; and the Machine Tools Controller may, in his absolute discretion, issue, re-issue or refuse to issue a permit therefor, and unless and until such a permit is issued, no such minor change or changes shall be made, and no such articles shall be made or used, and no such skilled labour shall be employed.

6. The provisions of the foregoing paragraphs hereof shall not apply to any manufactured or fabricated article, for the making, assembly or production of which, prior to the date of this Order in Council, the essential machine tools, dies, jigs, gauges, moulds, patterns, templates or other equipment have been acquired by the manufacturer or producer or made for him, or are actually, in the opinion of the Machine Tools Controller, substantially in process of construction, beyond the stage of draughting and design.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council appointing David Ballantyne Carswell, Controller of Ship Construction and Repairs and approving regulations

P.C. 6797

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 27th day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under and by virtue of the Department of Munitions and Supply Act, the Minister of Munitions and Supply has, among other duties, the duty of organizing the resources of Canada contributory to, and the sources of supply of munitions of war and supplies, and the agencies available for the supply of the same and of mobilizing, conserving and co-ordinating the economic and industrial facilities available in respect of munitions and supplies for the effective prosecution of the present war;

And whereas it is deemed necessary to organize, mobilize, co-ordinate, regulate and conserve the Ship Construction and Ship Repair industry of Canada and the docks, plant, shops, tools, equipment and facilities in order to fulfil the present and potential needs of Canada and her Allies, and for such purpose to appoint a Controller of Ship Construction and Repairs, with the powers hereinafter set forth;

Now therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply, and pursuant to the powers conferred by the Department of Munitions and Supply Act and

by the War Measures Act, is pleased to appoint and doth hereby appoint David Ballantyne Carswell, Esq., of the City of Montreal, in the Province of Quebec, (now Director General of the Ship Building Division of the Department of Munitions and Supply) as Controller of Ship Construction and Repairs, the duties of which office he shall carry out in addition to, and along with his duties as such Director General of the Ship Building Division.

His Excellency in Council, under the above cited authority, is pleased to make the following regulations respecting ship construction and repairs, and they are hereby made and established accordingly:—

REGULATIONS RESPECTING SHIP CONSTRUCTION AND REPAIRS

1. For the purpose of these regulations:

- (a) "Minister" shall mean the Minister of Munitions and Supply.
- (b) "Controller" or "Controller of Ship Construction and Repairs" shall mean the person from time to time appointed as Controller of Ship Construction and Repairs by the Governor General in Council.
- (c) "Works" shall mean graving docks, floating docks, dry docks, building berths, marine railways, and all other docks, buildings, shops, factories, plant and facilities used or usable for the construction, inspection, maintenance or repair of ships as hereinafter defined, and the land upon which the same are situated.
- (d) "Tools" shall mean tools, machines, machinery, derricks, cranes, vehicles, cars, locomotives, or other means of transport and all other equipment and facilities not included in the definition of "works", and used or usable for the construction, inspection, maintenance or repair of ships as hereinafter defined, or required for any purpose in connection with the operation of works.
- (e) "Ship" shall mean any ship, boat or vessel of any kind, and of whatever materials constructed, and whether it be propelled by the wind or some form of mechanical power or human labour, and whether the same be used for naval, mercantile or other purposes and whether owned by His Majesty, or some other person and whether launched or not; and shall include both ships in course of construction, and ships projected or designed for which a contract or agreement to build has been made;
- (f) "Repairs", "Repair" and "Repairing" shall mean and include not only the repair of damage or wear but any and all rebuilding, refitting, alterations, painting, improvements or additions made to any ship;
- (g) "Operator" shall mean the owner, lessee, or other person in control or charge of, or the operation of any works or tools, and any person engaged in the business of building, repairing or equipping ships;
- (h) "User" shall mean the owner, charterer, lessee or other person in charge or control of a ship or the operation thereof.

2. The Controller of Ship Construction and Repairs shall have the power:

- (a) Subject to the approval of the Governor General in Council, to buy, take possession of or otherwise acquire, build, make, maintain, repair, operate, lease, transport, move, remove, loan, sell, exchange or otherwise dispose of and generally to deal in works, or any estate, share or interest therein;
- (b) To buy, take possession of or otherwise acquire, maintain, repair, operate, store, transport, move, remove, loan, sell, exchange or otherwise dispose of, and generally to deal in tools, or any share or interest therein;

- (c) To control, allocate and distribute between various persons and for serving the needs and requirements of various ships, as he may in his absolute discretion determine, any works or tools and for that purpose to give all such orders or directions as may be required, to the operator of such tools or works;
- (d) To enter on any land, works or ship for the purpose of inspecting the same;
- (e) To enter on, take possession of and utilize any land, works or tools, used or usable for building or repairing ships;
- (f) To require any operator to make use of any works or tools, which he may own or operate, or of which he may be in control or charge, as the Controller may direct; and in particular to require any operator to make available his works or tools, or any part thereof for building, inspecting, repairing or rendering any other service to any ship, at any time and in priority to the necessities or requirements of any other ship or person, and notwithstanding any agreement or contract made between the operator and any other person, and notwithstanding that work has been begun and partially completed under any such agreement or contract with any such other person;
- (g) To require the user of any ship in respect of which, in the opinion of the Controller or user, repairs are required, to have such repairs effected at such place and time and in such manner, as the Controller shall direct and for that purpose to require the user to have the ship proceed to such place and make use of such works for the purpose of the making of such repairs, as the Controller shall direct, notwithstanding that the user may have entered into a contract to have such repairs effected at some other place, or in some other manner, or by the use of works or facilities other than those selected for the purpose by the Controller;
- (h) To hear and decide any controversy between an operator and a user concerning any matter over which jurisdiction is given to the Controller by these regulations or by any statute or Order in Council;
- (i) To require and oblige any operator to undertake, carry through and complete the building of, or any repairs, inspection and all other incidental services to any ship, even though such building or such repairs may have been commenced and partially completed by some other person;
- (j) To restrict or prohibit the use of tools or works for certain purposes;
- (k) To vary any contract between an operator and a user or between operators;
- (l) To order that no operator or other person may build, inspect or repair any ship unless he shall have obtained a licence issued by the Controller;
- (m) To issue and re-issue licences or permits for the building, inspection or repair of ships, and to suspend, cancel or refuse to issue any such licence or permit whenever the Controller deems it in the public interest to do so; and, subject to the approval of the Minister, to fix the fees payable for the issue of such licences or permits, and to prescribe the manner, procedure, terms and conditions under which such licences or permits shall be obtained;
- (n) To fix and alter, from time to time, the rates, fees or charges which an operator may charge for the use of any works;

- (o) To prohibit the construction or the making of any structural change in, or addition to any works, or the use and operation of any new works, without a licence or permit;
- (p) To require from time to time any operator or user to furnish the Controller, in such form and within such time as the Controller may prescribe, written reports under oath or affirmation showing such information as the Controller may deem necessary;
- (q) To require any operator or user to produce to any person authorized in writing for the purpose, by the Controller, any specified books or documents, and to permit the person so authorized to make copies of, or take extracts from any such books or documents; and, when the Controller deems necessary, to remove any such books or documents and place them in the custody of such person as the Controller may direct;
- (r) Subject to the approval of the Governor General in Council, to advance moneys to any operator;
- (s) To do anything necessary to carry out the powers herein conferred;

3. Any operator or other person prevented from executing or carrying out a contract relating to ship construction and repairs by the above regulations or the exercise of any of the powers herein conferred shall be exempt from all responsibility respecting such contract, notwithstanding the provisions of any laws, whether Dominion or Provincial, or the regulations or orders of any governmental authority or board or of the provisions of any such contract.

4. The compensation to be paid to any operator or user for damages (if any) occasioned by interference with contracts by reason of the above regulations or the exercise of any of the powers herein conferred, shall be such as may be agreed upon between such operator or user and the Controller, or in default of agreement shall be such as is determined by the Exchequer Court on a reference thereto by the Minister.

5. If the Controller takes possession of any works, the compensation in respect thereof shall in default of agreement be such as is determined by the Exchequer Court on a reference thereto by the Minister.

6. Any person who contravenes or fails to observe any regulation, or any direction, prohibition, permit, licence or requirement of the Controller, or who, in any manner, hinders or obstructs the Controller in the exercise of his powers, shall be guilty of an offence under The Department of Munitions and Supply Act.

7. To present for discussion and guidance such relevant problems as may arise in connection with priority in ship construction and repairs or otherwise, and generally to advise and assist the Controller in the performance of his duties, there shall be an Advisory Committee consisting of:

- (a) A representative of the British Admiralty designated by the First Lord thereof;
- (b) A representative of the Department of National Defence—Naval Services, designated by the Minister of National Defence—Naval Services;
- (c) A representative of the Ministry of Shipping of the United Kingdom designated by the Minister of Shipping;
- (d) A representative of the Canadian Shipping Board designated by the Minister of Trade and Commerce; and
- (e) A representative of the Department of Transport designated by the Minister of Transport, and
- (f) The Controller.

His Excellency in Council is hereby further pleased to direct that the administration expenses (including actual out-of-pocket expenses for travelling, of himself or any one acting under his authority), incurred by the said David Ballantyne Carswell in the exercise of the powers, or in connection with his duties, aforesaid, be paid out of the funds provided under the War Appropriation Act.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing alteration in description, War
Service Badge**

P.C. 6808

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 25th day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council, P.C. 1022, dated 29th March, 1940, authority was granted to establish a War Service Badge, "Service" Class, for issue to members of the Canadian Active Service Force who have honourably ceased to serve on Active Service,—

- (i) After not less than three months of continuous paid service, or,
- (ii) By reason of physical disability.

And whereas Paragraph 12 of the aforementioned Order in Council described the Badge as follows:

"War Service Badge, 'SERVICE' Class:—a white metal button with shank and back; a shield charged with three maple leaves, in red enamel, conjoined on one stem, and augmented in dexter canton by the Union Flag and in sinister chief, within a circle, by three fleurs-de-lis in gold on a blue field; on a panel above, the serial number, stamped; the whole surmounted by a crown; and underneath on a scroll the word 'SERVICE'. And having on the back in raised letters: 'PENALTY FOR MISUSE 500 DOLLARS OR SIX MONTHS' IMPRISONMENT'. Height $1\frac{3}{8}$ inches, width $\frac{7}{8}$ inch."

And whereas the Associate Minister of National Defence reports that a number of Contractors who were called upon to tender for the manufacture of the War Service Badge, "SERVICE" Class, have reported that with a "white metal" Badge, the use of enamel is not practical and have recommended the use of gilding metal (95% copper) or copper, finished in silver or rhodium plate.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Associate Minister of National Defence, is hereby pleased to cancel the description of the said Badge, as set forth in Paragraph 12 of Order in Council, P.C. 1022, dated 29th October, 1940, and to substitute therefor the undermentioned description for the said Badge.

"War Service Badge, 'SERVICE' Class:—a badge of gilding metal or copper finished in silver or rhodium plate with shank and back; a shield

charged with three maple leaves, in red enamel, conjoined on one stem, and augmented in dexter canton by the Union Flag and in sinister chief, within a circle, by three fleurs-de-lis in gold on a blue field; on a panel above, the serial number, stamped; the whole surmounted by a crown; and underneath on a scroll the word 'SERVICE'. And having on the back in raised letters: 'PENALTY FOR MISUSE 500 DOLLARS OR SIX MONTHS' IMPRISONMENT'. Height $1\frac{3}{8}$ inches. Width $\frac{7}{8}$ inch."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing regulations governing civilian claims
against members of Canadian Forces in Iceland, New-
foundland and the West Indies**

P.C. 6879

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 28th day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 5299 of 2nd October, 1940, regulations were made providing for the speedy settlement of civilian claims arising out of negligent and tortious acts of members of the Canadian Forces on duty in the United Kingdom, particularly with reference to accidents involving Department of National Defence vehicles and aircraft;

And whereas members of the Canadian Forces are presently serving on duty in Iceland, Newfoundland, and the West Indies;

And whereas the Minister of National Defence and the Minister of National Defence for Air report:

That it is desirable that provision now be made for the speedy settlement of such civilian claims arising other than by reason of an aircraft accident in Iceland, Newfoundland, and the West Indies;

That in Iceland the procedure adopted is to have claims passed upon by a joint Civilian and Army Committee, on which there is Canadian representation on every matter in which Canadian Forces in Iceland are involved;

That in respect of claims pertaining to the Forces of the United Kingdom in Iceland, the General Officer Commanding, said United Kingdom Forces, has authority to pay claims adjudicated by the Committee, not exceeding £50.0.0 for personal injuries and £20.0.0 for property damage;

That Regulations, designed to make provision as aforesaid, based on those established by said Order in Council P.C. 5299 of 2nd October, 1940, have been drawn up, and the Acting Deputy Minister (Militia Service) and the Acting Deputy Minister (Air Service) of the Department of National Defence have recommended that the Regulations hereunder set out be passed.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and the Minister of National Defence for Air, and under and by virtue of the provisions of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Act, Law, Statute or Regulation, is pleased to make the following Regulations and they are hereby made and established accordingly.

REGULATIONS GOVERNING CIVILIAN CLAIMS AGAINST THE CROWN IN THE RIGHT
OF THE DOMINION OF CANADA INVOLVING THE CANADIAN ACTIVE
SERVICE FORCE AND THE ROYAL CANADIAN AIR FORCE, IN
ICELAND, NEWFOUNDLAND, AND THE
WEST INDIES

1. (a) Officer Commanding shall mean with respect to civilian claims arising in Iceland, Newfoundland or the West Indies:

- (i) the officer commanding the Canadian Forces serving in Iceland,
- (ii) the officer commanding the Canadian Forces serving in Newfoundland,
- (iii) the officer commanding the Canadian Forces serving in the West Indies,

as the case may be.

(b) Where in these regulations an amount is set out in terms of Canadian currency, said amount shall be deemed to include the equivalent thereof in the currency of Iceland, Newfoundland or the West Indies as the case may be.

2. In connection with every civilian claim against the Crown arising in Iceland, Newfoundland and the West Indies out of any death or injury to the person or property (other than by reason of an aircraft accident) resulting from the alleged negligence of any officer or servant of the Crown while acting within the scope of his duties or employment, the procedure hereinafter set forth shall be observed by the Officer Commanding concerned.

3. As soon as the Officer Commanding concerned becomes aware that circumstances have arisen which may give rise to a civilian claim against the Crown of the nature set forth in Paragraph 2 of these Regulations, he shall cause an immediate investigation to be made of all such circumstances.

4. When said investigation has been completed and when the necessary material has been obtained from the claimant, the claim shall then be dealt with in the following manner:

- (a) with respect to such civilian claims arising in Iceland, if, on the report of the joint Civilian and Army Committee established in Iceland, the Officer Commanding is of the opinion that there is a legal liability on the part of the Crown and that the civilian claim should be paid, the said Officer Commanding is hereby authorized to arrange settlement of civilian claims not exceeding with respect to any one accident, \$250 with respect to personal injuries and \$100 with respect to property damage. In the event that such a settlement is arranged by such Officer Commanding, the Paymaster of the Canadian Forces in Iceland will pay the amount of such settlement to the civilian claimant upon production of a duly executed release.
- (b) With respect to such civilian claims arising in Newfoundland and the West Indies, if the Officer Commanding concerned is of the opinion that there is a legal liability on the part of the Crown, and that the civilian claim should be paid, the said Officer Commanding is hereby authorized to arrange a settlement of civilian claims not exceeding, with respect to any one accident, \$50. In the event that such a settlement is arranged by such Officer Commanding, the Paymaster of the Canadian Forces in Newfoundland or the West Indies, as the case may be, will pay the amount of such settlement to the civilian claimant upon production of a duly executed release.

5. (a) With regard to civilian claims which the Officer Commanding concerned has settled, pursuant to the provisions of Paragraph 4 (a) and (b) of these Regulations, the said Officer Commanding concerned shall, after the claim has been paid, forward all necessary documents to National Defence Headquarters, Ottawa, Canada.
- (b) The matter shall then be referred to the Deputy Minister of Justice for an opinion as to whether or not any officer or servant of the Crown on whose alleged negligence the claim is based is legally liable to reimburse the Crown in respect of any liability which the Crown has incurred by reason of such alleged negligence.
- (c) Where in the opinion of the Deputy Minister of Justice the facts as disclosed in the reference indicate only a slight degree of negligence, and do not involve recklessness, undue carelessness, or intentional omission or commission of any act amounting to a wrongful act, he shall, if he gives an opinion pursuant to the provisions of Paragraph 5 (b) of these Regulations that any officer or servant of the Crown is legally liable to reimburse the Crown, state that the negligence was of a minor character.
- (d) In a case where in the opinion of the Deputy Minister of Justice such officer or servant is so liable after the claim has been paid in whole or in part, demand shall, except where the negligence involved is of a minor character, be made upon such officer or servant for reimbursement to the following extent:—
- (i) where the amount paid by the Crown in respect of such claim is \$25 or less the full amount paid by the Crown;
 - (ii) where the amount paid by the Crown in respect of such claim is more than \$25 and does not exceed \$100, one-half of the amount paid by the Crown, or \$25, whichever is the greater;
 - (iii) where the amount paid by the Crown in respect of such claim is more than \$100 and does not exceed \$300, one-third of the amount paid by the Crown or \$50, whichever is the greater;
 - (iv) where the amount paid by the Crown in respect of such claim is more than \$300 and does not exceed \$350, one-quarter of the amount paid by the Crown or \$100, whichever is the greater.

6. If such officer or servant does not within a reasonable time arrange for the payment of the amount so demanded, action shall be taken by the Officer Commanding concerned to charge said officer or servant, if a member of the Military or Air Forces, under the appropriate Section of the Army Act or the Air Force Act, and if a conviction is obtained, the amount provided above shall be awarded as a stoppage of pay against the officer or servant concerned.

7. In the event that a claimant is entitled to receive compensation from an insurance company for the damages he has suffered, any claim either by the claimant or by the insurance company will be rejected, save and except that if in the case of collision insurance, the insurance contract of the claimant provides for a sum to be payable by the claimant in respect of each claim, the claim for compensation may be considered up to but not exceeding the amount so payable by the claimant as provided in his policy.

8. Should a person who claims damage or injury institute legal proceedings against an officer, soldier, or airman, or should criminal proceedings be instituted against such officer, soldier, or airman as a result of his operation of a motor vehicle, then, if the Officer Commanding concerned is of the opinion that the officer, soldier or airman concerned was acting within the scope of his duties or employment and was not guilty of negligence, and that it is proper and advisable,

the said Officer Commanding concerned is empowered to employ counsel at the expense of the Crown to act for the officer, soldier or airman in question.

9. The Minister of National Defence may, from time to time, make such orders and issue such instructions as are necessary for the purpose of carrying out these Regulations and giving effect to the intention thereof.

10. These Regulations shall have force and effect as of and from the First day of November, 1940, and will apply as well to all claims pending on that date.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing remission of Customs duty, etc., on
certain equipment and munitions of war the property of
the Royal Norwegian Government**

P.C. 57/6885

CERTIFIED to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 26th November, 1940.

NATIONAL REVENUE

The Board had under consideration the following memorandum from the Honourable the Minister of National Revenue:

"The undersigned, Minister of National Revenue, with the concurrence of the Minister of National Defence for Naval Services, believing that it would be of definite advantage to the United Kingdom and her Allies in the prosecution of the present war to facilitate by all reasonable means the operations of a Royal Norwegian Whale-Boat Fleet which is now in Canada, and which is being armed for service with His Majesty's Royal Navy, has the honour to recommend that authority be granted under Section 3 of the War Measures Act to deal with certain munitions of war, imported or to be imported, in the following manner:

(1) Remission or refund of Customs duty, sales tax and War Exchange Tax on equipment and munitions of war as specified hereunder, the property of the Royal Norwegian Government and to remain the property of that Government, for use on vessels of the Royal Norwegian Whale-Boat Fleet being armed and equipped for service with His Majesty's Royal Navy:

- (a) Gas masks; steel helmets; binoculars of all kinds; radio sets; signal lamps; belts for rifles; belts for revolvers; "clips" for charging of Springfield rifle-cartridges, and other articles of equipment for naval vessels.
- (b) Arms and ammunition, including guns, machine-guns, submachine-guns, rifles, revolvers, signal pistols, grenades; explosives and pyrotechnics in any form; the munitions in this group to be imported only under authority, direction and control of the Minister of National Defence for Naval Services."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing protection re patents and industrial designs

P.C. 6982

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 4th day of December, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas The Patent Act (1935) Section 19, provides that the Government of Canada may at any time use any patented invention, paying to the patentee such sum as the Commissioner of Patents reports to be a reasonable compensation for the use thereof, and further provides that any decision of the Commissioner of Patents under the said section shall be subject to appeal to the Exchequer Court of Canada;

And whereas the Minister of Munitions and Supply reports that in certain cases it is desirable and in the public interest to protect persons engaged in the production of munitions of war or supplies or in the carrying out of defence projects against claims for infringement of patents or registered industrial designs;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply, with the concurrence of the Secretary of State of Canada, and under and by virtue of the powers conferred by The War Measures Act and all other enabling powers, is pleased to order and doth hereby order:—

“That if the Minister of Munitions and Supply on behalf of His Majesty the King in right of Canada or on behalf of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland has agreed or hereafter agrees to indemnify or to protect any person, firm or corporation against any claims, actions or proceedings for the infringement of any patent or registered industrial design based upon the use of the invention or design covered thereby in the production or sale of munitions of war or supplies or in the carrying out of defence projects by such person, firm or corporation, then no claim, action or proceeding for the infringement of any such patent or registered industrial design based upon such use shall be made or instituted against such person, firm or corporation or his or its agents or sub-contractors; but His Majesty shall pay to the owner of any such patent or registered industrial design which is valid such compensation as the Commissioner of Patents reports to be reasonable for the use aforesaid of the invention or design covered by such patent or registered industrial design, and any decision hereunder of the Commissioner of Patents shall be subject to appeal to the Exchequer Court.”

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council suspending privilege of declaring alienage for the duration of the war

P.C. 7044

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 29th day of November, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Subsection (1) of Section 7 of the Naturalization Act, R.S.C. 1927, Chap. 138, is as follows:

"Where an alien obtains a certificate of naturalization, the Minister may, if he thinks fit, on the application of that alien, include in the certificate the name of any child of the alien born before the date of the certificate and being a minor, and that child shall thereupon, if not already a British subject, become a British subject; but any such child may, within one year after attaining his majority, make a declaration of alienage, and shall thereupon cease to be a British subject."

And whereas the Secretary of State reports that it has been brought to his attention that applications have been made to him to receive the declaration of alienage from certain persons resident in Canada coming within the scope of the Section, the effect of which would be to exempt such persons from national war service under the Regulations made by the Governor in Council under the National Resources Mobilization Act, 1940.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Secretary of State, concurred in by the Minister of National War Services, and under the War Measures Act, R.S.C. 1927, Chap. 206, is pleased to order that the privilege of making declarations of alienage under Subsection (1) of Section 7 of the Naturalization Act aforesaid be and it is hereby suspended for the duration of the war in which Canada is presently engaged and thereafter until such time as the Governor in Council may otherwise order.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending regulations respecting timber—definition of "Timber"

P.C. 7120

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 4th day of December, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2716, dated the 24th day of June, 1940, Harvey Reginald MacMillan, Esquire, of the city of Vancouver, was appointed Timber Controller and "Regulations Respecting Timber" were made and established;

And whereas it is deemed necessary that the Timber Controller be given the further and additional powers hereinafter mentioned;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply, and pursuant to the powers conferred on the Governor in Council by the Department of Munitions and Supply Act and by the War Measures Act, is pleased to amend the said Order in Council P.C. 2716, dated 24th June, 1940, and it is hereby amended as follows:

1. By rescinding Sub-paragraph (b) of Section 1 of the Regulations Respecting Timber, and substituting in place thereof the following:

(b) "Timber" shall mean and include trees, standing or felled, or in process of, or after, conversion into sawn or planed lumber, or into any other form, article or thing; including all materials fabricated from wood, solely or in combination or conjunction with any other material; but excluding always wood pulp, both in that form, and when made or processed into any other form or article.

2. By adding to Section 2 of the said Regulations the following additional Sub-paragraph:

(n) "To prescribe the uses and purposes, to and for which timber may be put or used by any person, and to prohibit its use for any purpose which the Timber Controller shall specify."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council defining terms "War Contract" and "Depreciation"

P.C. 7121

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 4th day of December, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 4217, dated August 27, 1940, the War Contracts Depreciation Board was established with the powers and duties and for the purposes therein set forth.

And whereas the Minister of Munitions and Supply, and the Acting Minister of National Revenue report that in the performance of its powers and duties the Board has advised them that doubt has arisen with respect to its jurisdiction in regard to the application of its powers to certain transactions which have been the subject matter of applications made to it for special depreciation and that, in particular, the term "War Contract", as defined in the regulations set forth in the said Order in Council, does not, in the opinion of the Board, extend to the relationship created as the result of requests or orders given by the Minister of Munitions and Supply to contractors to make capital expenditures for the purpose of expanding or creating facilities to be used in furtherance of war purposes; and

That some confusion has resulted from the use of the term "Depreciation", and that it would be advisable to amend the said Order in Council to provide that War Contracts shall include the relationship above referred to and that the term "Depreciation" may, when in the opinion of the Board it is in the public interest so to do, be construed as Amortization.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply and the Acting Minister of National Revenue, is pleased to amend the said Order in Council, P.C. 4217, dated August 27, 1940, and it is hereby amended as follows:

- (a) By the addition of the following sub-paragraph (e) to paragraph 1 of the "initial regulations" set forth in the said Order in Council:

"(e) The term 'War Contract' shall be deemed to include the relationship created as a result of a direct request or order given in writing by the Minister or Deputy Minister of Munitions and Supply to a contractor to make or incur capital expenditure for the purpose of creating or expanding his facilities for war purposes."

- (b) By adding to the said "initial regulations" a new paragraph to be numbered 9, reading as follows:

"9. The term 'Depreciation' may, when in the opinion of the Board it is in the public interest so to do, be construed as Amortization."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council prohibiting export of "Douglas fir sawlogs"

The Canada Gazette, December 14, 1940

P.C. 7156

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 4th day of December, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under and by virtue of the Department of Munitions and Supply Act, the Minister of Munitions and Supply has, among other duties, the duty of organizing the resources of Canada contributory to, and the sources of supply of, munitions of war and supplies and the agencies available for the supply of the same, and of mobilizing, conserving and co-ordinating the economic and industrial facilities available in respect of munitions and supplies for the effective prosecution of the present war;

And whereas the Acting Minister of National Revenue and the Minister of Munitions and Supply report that the Timber Controller represents that, for the purpose of conserving and co-ordinating the timber resources of Canada, it is necessary to control the exportation of Douglas fir sawlogs; and

That, in their opinion, Douglas fir sawlogs are

- (a) "munitions of war" and "supplies" as defined in Section 2, Sub-paragraphs (d) and (e) of the Department of Munitions and Supply Act, being Chapter 3, Statutes of Canada, 1939, (2nd Session) as amended by Chapter 31, Statutes of Canada, 1940; and

- (b) necessary for, or in connection with, the production, storage or supply of munitions of war, or for the needs of the government, or of the community, during the present war;

And whereas Section 290 of the Customs Act, as enacted by Section 10 of Chapter 24, Statutes of Canada, 1937, provides that the Governor in Council may, from time to time "(b) prohibit, restrict or control the exportation, generally or to any destination, directly or indirectly, or the carrying coastwise or by inland navigation, of arms, ammunition, implements or munitions of war, military, naval or air stores, or any articles deemed capable of being converted thereto or made useful in the production thereof, or provisions or any sort of victual which may be used as food by man or beast."

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Revenue and the Minister of Munitions and Supply, concurred in by the Secretary of State for External Affairs, and pursuant to the aforesaid representations of the Timber Controller, and under the authority of, and pursuant to the said Section 290 of the Customs Act, and/or the powers conferred on the Governor in Council by the Department of Munitions and Supply Act, and by the War Measures Act, is pleased to order and doth hereby order that after the date of the publication of this Order in Council in *The Canada Gazette*, no person shall export from Canada Douglas fir sawlogs without first having obtained a permit issued by, or on behalf of, the Minister of National Revenue.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending the National War Services Regulations, 1940
(Recruits)

The Canada Gazette (Extra) January 2, 1941

P.C. 7215

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 24th day of December, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National War Services reports that experience in the administration of The National War Services Regulations, 1940 (Recruits), discloses that the said regulations require amendment in certain respects.

Therefore, His Excellency the Governor General in Council on the recommendation of the Minister of National War Services, and pursuant to the power vested in The Governor in Council by the War Measures Act and the National Resources Mobilization Act, 1940, is pleased to amend the aforesaid National War Services Regulations, 1940 (Recruits); and they are hereby amended as follows,—

1. Sub-section two of section eight of the said regulations is amended by adding at the end thereof the following:

"Two members of a Board shall constitute a quorum."

2. Section eight of the said regulations is further amended by adding thereto the following:

“(9) A Board or a member of a Board, a Judge or a Magistrate, if so authorized by a Board, may, in connection with proceedings pending before the Board, take evidence on oath or affirmation and may summon persons to attend for the purpose of giving evidence.”

3. Sub-section two of section seventeen of the said regulations is revoked and the following is substituted therefor:

“(2) Persons whose registration cards disclose that they represent themselves to be members of the sect or denomination of Christians called Mennonites or of the Community of Doukhobors, shall not be required by the Divisional Registrar, except as hereinafter in these regulations provided, to report for military training: Provided, however, that every such person shall after men of his age-class are called out, be required to report for medical examination as in the case of any other member of such age-class. Furthermore, he shall be required to report for military training unless he claims, by application in writing to the Board for the Administrative Division in which he resides, to be entitled as a Mennonite or as a Doukhobor, as the case may be, to indefinite postponement of his military training, which application shall be made not later than eight days from the date when he was notified to report for medical examination. Any application for postponement made before the coming into force of this sub-section shall be deemed to be an application for postponement under this sub-section.”

4. Sub-section three of section seventeen of the said regulations is amended by inserting the words “or any member thereof” after the word “Board” in the fourth line thereof.

5. Sub-section one of section eighteen of the said regulations is revoked and the following is substituted therefor:

“18. (1) Any man who claims that he conscientiously objects to bearing arms or undertaking combatant service, may apply for an order or direction postponing his military training indefinitely, which order or direction shall be made if it is established that such man conscientiously objects to the bearing of arms or the undertaking of combatant service, *and if a regular clergyman or minister of a religious denomination or sect certifies that the said man in good faith belongs to his religious denomination or sect and that, in the opinion of the clergyman or minister, the applicant has conscientious scruples against the bearing of arms. A certificate so given shall be prima facie evidence only of the facts stated therein and the Board receiving such evidence shall not be bound thereby.*”

6. Sub-section two of section eighteen of the said regulations is revoked and the following is substituted therefor:

“(2) Application for such order or direction shall be filed with the Divisional Registrar of the Administrative Division in which the applicant resides not later than eight days from the date when he was notified to report for medical examination: Provided, however, that any application filed before the coming into force of this sub-section shall be deemed to be a valid application notwithstanding that it was not filed within twelve days after the issue of a proclamation calling out men of the age-class to which the applicant belongs.”

7. Sub-section four of section eighteen of the said regulations is amended by inserting the words "or any member thereof" after the word "resides" in the second line thereof.

8. The said regulations are hereby further amended by inserting immediately after section eighteen thereof the following:

"18.A(1) Notwithstanding anything contained in the two next preceding sections, a Board may, of its own motion or on application made by the Minister or any person representing the Minister, in the case of any person entitled either as a Mennonite or as a Doukhobor or as having been found by the Board to object conscientiously to bearing arms, to indefinite postponement of military training direct the Divisional Registrar that such person if reported to be medically fit for military training, be required to report after his age-class has been called out, at the appropriate military training centre, to receive non-combatant training or to render non-combatant service for a period of days equal to the current training period: Provided, however, that in no case shall such person be required to perform any training or service which involves the bearing of arms.

(2) Alternatively, the Board may direct the Divisional Registrar that such person be required to report at a place and time and to an officer or authority to be named in the notice, to report for training for a period of days equal to the current training period as a stretcher bearer, hospital attendant or helper, ambulance operator or in the rendering of first aid to injured persons.

(3) Or, the Board may direct the Divisional Registrar that any such person be required to report at a place and time and to an officer or authority to be named in the notice to report, to render or perform any civilian service or labour for a period of days equal to the current training period and under such conditions as the Governor in Council may from time to time designate.

(4) The Divisional Registrar upon receipt of a direction from the Board respecting any such person shall incorporate the name of such person in a list of persons to be called out for non-combatant military training pursuant to sub-section one hereof or for other training pursuant to sub-section two hereof or to render or perform civilian service or labour pursuant to sub-section three hereof, as the case may be, and shall, after his age-class is called out, require such person to report in accordance with the direction of the Board and the instructions of the Minister.

(5) Every man required to report pursuant to the provisions of this section shall comply with the notice given him and shall undergo or perform the training, or service or labour required of him, and training so undergone or service or labour so performed shall be in lieu of military training for a like period and any person undergoing or performing such training or service or labour shall receive remuneration at the same rates as those undergoing military training. Every man called out pursuant to this regulation who fails or refuses to report within the time limited by and in accordance with the terms of the notice given to him shall be guilty of an offence and liable upon indictment or summary conviction to imprisonment for a term not exceeding twelve months, with or without hard labour, or to a fine not exceeding two hundred dollars and not less than fifty dollars or to both such imprisonment and such fine.

(6) The provisions of these regulations relating to the calling out of men for military training shall apply to the calling out of any person under this section as if such provisions were here re-enacted *mutatis mutandis* and made applicable as aforesaid.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending "Regulations for the Administration and Distribution of Naval, Military and Air Force Estates, 1940"

The Canada Gazette, December 21, 1940

P.C. 7249

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 11th day of December, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Associate Minister of National Defence reports,—

That an Estates Branch of the Department of National Defence was established, effective April 1, 1940, under the direction of an Administrator of Estates, for the administration of the service estates of deceased members of the Naval, Military and Air Forces of Canada on Active Service in the present War;

That by Order in Council of March 19, 1940 (P.C. 1065), Regulations entitled "Regulations for the Administration and Distribution of Naval, Military and Air Force Estates, 1940," were made, effective said April 1, 1940;

That said Regulations have not provided for the collection of small bank balances of deceased members and the distribution thereof with their service estates by the Estates Branch;

That in respect to the pay and allowances of an officer of the Forces of Canada serving Overseas, the total amount thereof, converted into sterling, is, by the Treasury Officer (Overseas), deposited monthly to the credit of his account in the bank or other approved financial institution (hereinafter referred to as bank), designated by the officer, and it is frequently found that at his death there is a small balance at credit therein;

The small amounts at credit of all ranks in the Forces are also found at their death in banks in Canada as well as Overseas;

That it is not unusual that the amount of such balance is so small as not to justify the persons entitled to the estate of the deceased making the expenditure necessary to obtain administration thereof;

That it is a great convenience to such persons entitled and a great saving to them of the proportionately large expense of obtaining probate of the last Will of the deceased, or administration of the estate where there is an intestacy, to have the amounts of such balances paid by the banks to the credit of the Receiver-General of Canada and distributed with the service estate by the Estates Branch;

That numerous requests have been made for the Department to adopt such practice;

That during the War 1914-1918 such practice was found beneficial and was authorized by Orders in Council of June 11, 1917, (P.C. 1595) in respect to officers only, and June 3, 1918 (P.C. 1311) in respect to all ranks, for balances not exceeding in all \$400, and the bank concerned relieved from further liability and saved harmless in respect of the amount thereof;

That during the present War the banks concerned have expressed their willingness, on condition of the Government of Canada giving the same relief from liability, to transfer such balances of deceased members to the credit of the Receiver-General to the intent that such balances be paid out by the Receiver-General to such beneficiaries as the Administrator of Estates shall determine are, according to law, entitled thereto;

That the rates of pay and allowances in force in the present War are considerably higher than those in the War 1914-1918 and accordingly it would not be inappropriate to increase said \$400-amount to \$600;

That it is desirable that such small bank balances should be dealt with accordingly;

That many instances have been found wherein infants, being persons under the age of twenty-one years, are entitled to share in the estate of a deceased member and each such share consists of or represents only a small sum of money;

That in the administration of such estates under the provisions of the said Regulations, no distribution may be made of any such share until the infant entitled attains the age of twenty-one years, and the amount thereof must accordingly in the meantime be held at the credit of the Receiver-General for a period which in some cases will extend in excess of twenty years;

That this procedure tends toward and frequently results in hardship to the widow of the deceased or the guardian, relative or person who has, or assumes, the care of the infant, and it has been urged that the small sum of money involved should be made immediately available for the present maintenance, education and benefit of the infant during minority rather than years later when majority is attained;

That where any such infant's share exceeds \$100, distribution thereof in any year should be limited to \$100;

That numerous requests have been made for the Department to adopt such practice;

That it is desirable that infants' shares should be dealt with accordingly;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Associate Minister of National Defence, and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Act, Law or Regulation, is pleased to order and doth hereby order,—

1. That Banks and other financial institutions holding balances of money at the credit of deceased members of the Naval, Military and Air Forces of Canada on Active Service pay such balances at the request of the Administrator of Estates to the Receiver-General of Canada, provided such balances do not, in respect to any one deceased member, exceed in all \$600.

2. That the Bank or institution be relieved from further liability and saved harmless in respect of any such balance upon the payment thereof to the Receiver-General of Canada.

3. That the share, not exceeding \$300 of an infant, being a person under the age of twenty-one years, in the estate of a deceased member be distributed and applied for the benefit of such infant, provided that the amount distributed in any year be limited to \$100.

His Excellency in Council on the same recommendation, is further pleased to amend the Regulations entitled "Regulation for the Administration and Distribution of Naval, Military and Air Force Estates, 1940", and they are hereby amended by adding to Paragraph 13 thereof, as sub-paragraphs (d) and (e), the following,—

(d) Where it is ascertained that a deceased member has a balance of money at his credit in any Bank or other financial institution, the Administrator of Estates may cause the amount thereof, not exceeding in all \$600, to be paid to the Receiver-General of Canada, and may distribute same with the service estate of such deceased.

(e) Where an infant, being a person under the age of twenty-one years, is entitled to a share, not exceeding \$300, in the estate of a deceased

member, the Administrator of Estates may cause such share to be distributed and applied for the benefit of such infant, provided that the amount distributed in any year may not exceed \$100.

His Excellency in Council, on the same recommendation and under the aforesaid authority is further pleased to order that this Order shall be published in *The Canada Gazette* and that the provisions thereof shall be deemed to have come into force and operation as of and from the first day of April, 1940.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council constituting "The National War Charities Funds
Advisory Board"**

P.C. 7273

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 11th December, 1940.

The Committee of the Privy Council, on the recommendation of the Minister of National War Services, advise—

1. That there be hereby constituted a Board advisory to the Division of Voluntary Services and the Department of National War Services in connection with the administration of the War Charities Act, and that such Advisory Board be known as "The National War Charities Funds Advisory Board."

2. That the members of such Board be as follows:—

C. L. BURTON, Esq., President, The Robert Simpson Company Limited, of the city of Toronto, in the Province of Ontario, Chairman.

T. D'ARCY MCGEE, Esq., K.C., of the city of Ottawa, in the Province of Ontario, Barrister, representing the Knights of Columbus Army Huts fund.

Lieut.-Col. H. CHARLES TUTTE, of the city of Toronto, in the Province of Ontario, representing the Salvation Army Red Shield fund.

Dr. FRED W. ROUTLEY, of the city of Toronto, in the Province of Ontario, representing the Canadian Red Cross Society.

W. W. SOUTHAM, Esq., Publisher, of the city of Montreal, in the Province of Quebec, representing the Y.M.C.A. War Services fund.

Lieut.-Col. E. A. OLVER, Retired, of the city of Toronto, in the Province of Ontario, representing the Canadian Legion War Services fund.

T. S. DIXON, Esq., Managing Director, of the city of Vancouver, in the Province of British Columbia.

W. T. HENRY, Esq., Retail Merchant, of the city of Edmonton, in the Province of Alberta.

J. J. LEDDY, Esq., Insurance Manager, of the city of Saskatoon, in the Province of Saskatchewan.

PETER LOWE, Esq., Secretary-Treasurer, Winnipeg Foundation, of the city of Winnipeg, in the Province of Manitoba.

J. ARTHUR D'Aoust, Esq., Secretary, Trades and Labour Congress of Canada, of the city of Ottawa, in the Province of Ontario.

LEON DES RIVIERES, Investment Broker, of the city of Quebec, in the Province of Quebec.

HENRY W. BINNING, Esq., Retired Bank Executive, of Annapolis Royal, in the Province of Nova Scotia.

Mrs. LOUISE MARJORIE VROOM of Rothesay, King's County, New Brunswick.

WALTER S. GRANT, Esq., Manager, P.E.I. Telephone Co., of the city of Charlottetown, in the Province of Prince Edward Island.

3. That all members of the Board serve without salary, but that the Minister of National War Services may pay the actual out-of-pocket expenses of members of the said Board who do not specifically represent a war service organization upon the said Board.

4. That the Advisory Board so constituted be authorized to decide on its own method of procedure in calling meetings and carrying on the functions of the Board, and that the said Board shall have the power to appoint an executive committee from its membership.

5. That it shall be the duty of the Board to give consideration to any application made under The War Charities Act for leave to conduct a national appeal for funds for war services, and to advise the Director of Voluntary Services in connection therewith.

6. That the Board shall have the right to demand an audited statement of all receipts and expenditures of any such organization for such period as it deems fit, a statement of the amount it proposes to seek from the Canadian public, and what disposal it proposes to make of the funds to be collected, and information as to the activities and services which the said organization proposes to render as a result of the procuring of such funds, and is rendering in the ordinary course of its activities.

7. That the Board shall advise as to whether or not, in its opinion, the moneys heretofore collected by such organization have been wisely and properly expended, as to whether or not it is in the national interest that the said organization should conduct a further appeal for funds, and if the amount being sought from the Canadian public is needed and necessary and, if in the opinion of the Board, the said organization is carrying on services which merit the support of the Canadian public and whether or not, in the rendering of such services, there is overlapping in any way with any other organization carrying on a similar service.

8. That the Board shall give consideration to suggested dates for national appeals and advise the Minister of National War Services with respect to the advisability of approving of the dates suggested by such organizations.

9. That the Board shall advise as to what steps, if any, can or may be taken to co-ordinate the activities of voluntary war service organizations, and what steps, if any, can or may be taken to bring about the greatest possible co-ordination and unity in national appeals for funds.

10. That the Board shall inquire into and consider the advisability of recommending that in connection with a national appeal for funds being authorized under the War Charities Act, the body so authorized shall not conduct its appeal in any community or in any province where a co-ordinated appeal has been or will be made and in which the said body has been or will be included.

11. That the Board shall advise upon the distribution of funds raised as a result of a co-ordinated or joint appeal conducted locally in any community or conducted in any province on a provincial-wide basis, in order that there

may be a fair and just distribution of the proceeds of any such canvas for funds in the community or province as between the various war service and other organizations sharing therein.

12. That Dr. E. W. Stapleford, Director of Voluntary Services, be Honorary Secretary of the said Board.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council authorizing Wartime Prices and Trade Board to control prices of goods mentioned in the War Exchange Conservation Act, 1940

The Canada Gazette (Extra), December 16, 1940

P.C. 7373

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 13th day of December, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas, pursuant to authority conferred on the Governor in Council by the War Measures Act and otherwise, the Wartime Prices and Trade Board was constituted to provide safeguards under war conditions against undue enhancement in the prices of certain necessities of life;

And whereas by Order in Council P.C. 3998 of the 5th day of December, 1939, the Wartime Prices and Trade Board Regulations were made and established, defining necessities of life and prescribing the powers and duties of such Board;

And whereas by subsection (3) of Section 88A of the Special War Revenue Act, it was provided that no person shall take advantage of the tax imposed by such Section to increase the price of goods therein mentioned by an amount greater than is justified by any increase in cost properly arising from such tax or to maintain prices at levels higher than are so justified and that such Board shall have in respect of any such person and goods the powers conferred on it by such Regulations as if such goods were necessities of life as so defined;

And whereas by Part I of The War Exchange Conservation Act, 1940, the importation into Canada of goods specified in Schedule One to the said Act was prohibited with specified exceptions and by Part II of the said Act the customs duties on specified goods imported from the United Kingdom were reduced or removed;

And whereas it is deemed to be in the national interest that the powers of the said Board be amplified to provide safeguards under war conditions against undue enhancement in the prices of any such goods;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, concurred in by the Minister of Labour, and pursuant to powers conferred by The War Exchange Conservation Act, 1940, the War Measures Act, and otherwise, is pleased to order and it is hereby ordered as follows:—

- (a) The Wartime Prices and Trade Board shall have, in respect of the goods specified in Schedules One and Two to The War Exchange Conservation Act, 1940, and in respect of any person dealing in any such goods, the same powers as are conferred on the Board in respect of necessities of life under the Wartime Prices and Trade Board Regulations, and all provisions of such Regulations shall extend and apply to any such person and any such goods.
- (b) If any person takes advantage of The War Exchange Conservation Act, 1940, to increase the price of goods by, or maintain the price of goods at, an amount greater than is justified, having regard to changes in the cost of production and of distribution of such goods and having regard to any rates of duty imposed on such goods by any Act of Parliament, the taking of such advantage shall be deemed to be an offence against the Wartime Prices and Trade Board Regulations and the penalties prescribed in such regulations shall extend and apply to such offence.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council approving principles of wartime wage policy applicable to conditions in industries coming within the purview of the Industrial Disputes Investigation Act

The Canada Gazette (Extra), December 19, 1940

P.C. 7440

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 16th day of December, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council (P.C. 3495) dated 7th November, 1939, the operation of The Industrial Disputes Investigation Act was extended to all disputes between employers and employees engaged in war work;

And whereas the Minister of Labour reports,—

- (a) That experience has shown the said Act has not operated satisfactorily in all such disputes;
- (b) That, if the government through an extension of the principles of The Fair Wages Act were to attempt to determine wage rates and other working conditions in all those industries engaged on war work, innumerable arbitrary decisions would be involved and the institutions and practices of collective bargaining to which it is the declared policy of the government to assure freedom (P.C. 2685, 19th June, 1940) would be rendered superfluous and labour organizations deprived of their legitimate functions;
- (c) That the Wartime Prices and Trade Board was established at the outbreak of war and has so operated that despite inescapable increase in the cost of some products, the increase in the cost of living since

August, 1939, as measured by the new index of The Dominion Bureau of Statistics, has been 6·2 per cent; in some places more, in some places less;

- (d) That the government, in awarding war contracts, has exercised care that profits be restricted and, further, in addition to provincial taxation and the corporate income tax of 18 per cent, there has been imposed, under The Excess Profits Tax Act, a further tax of 75 per cent on the excess of current profits over pre-war profits;
- (e) That, in many trades and employments in this country, reasonable wage levels were established during the period 1926-29, and that the cost of living as reported in the *Labour Gazette* for September, 1940, was 12·6 per cent below the average level of 1929;
- (f) That the Labour Co-ordination Committee has formulated appropriate principles of wartime wage policy and has consulted with the National Labour Supply Council in order to secure the considered judgment of employees and employers on the reasonableness and effectiveness of these principles and their co-operation in establishing them in practice;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Labour (made on the advice of the Interdepartmental Committee on Labour Co-ordination, unanimously concurred in by the National Labour Supply Council), is hereby pleased, for the guidance of boards of conciliation set up under the Industrial Disputes Investigation Act in carrying out their duties, to direct attention to the principles enunciated in Order in Council P.C. 2685, 19th June, 1940, which are hereby reaffirmed, and to approve the following principles of wartime wage policy applicable to conditions in industries coming within the purview of the Industrial Disputes Investigation Act, as extended by P.C. 3495, 7th November, 1939, viz:—

(1) Minimum wage standards established by provincial law or regulation shall be regarded as minimum standards only.

(2) Wage rates established and in effect at the date hereof ought not to be reduced by reason of any principle herein set out.

(3) Wage rate levels established by agreement or practice in any industry or trade, nationally or locally during the period of 1926-29, or higher levels established thereafter but prior to the date hereof, shall be considered generally fair and reasonable except that where it is clearly shown that exceptional circumstances during that period resulted in depressed and sub-normal, or unduly enhanced or abnormal, wages in a particular industry, trade, or locality, a board may adjust such rates to what it considers fair and reasonable under such circumstances.

(4) In cases where it is shown to the satisfaction of a board that the wage levels of 1926-29 if restored would be out of alignment (in being higher than the present prevailing rates) it shall be accepted as reasonable by such board that increases in wages granted in any calendar year shall be limited to 5 per cent of the prevailing rates.

(5) To assure the workers that, while they are called upon to share in such sacrifices as the war may make necessary for the whole nation, their basic standard of living will not be impaired by any unavoidable increases in the cost of living, a wartime cost-of-living bonus, independent of basic wage rates, may properly be paid. In the determination of such a bonus, the following points should be observed:

- (i) Changes in the cost of living should be measured by the new Cost of Living Index prepared by the Dominion Bureau of Statistics in co-opera-

tion with the Department of Labour and The Wartime Prices and Trade Board, with such adjustments as regional requirements might indicate to be justified.

- (ii) The bonus should be determined at intervals not more frequently than quarterly and paid in the first instance only if the cost of living has risen by as much as 5 per cent since August 1939, or since the time of any wage increase subsequent to that date; thereafter the bonus should be adjusted only if the cost of living has risen by 5 per cent or more since the last previous determination of a bonus payment; the bonus should be decreased only in case the cost of living has decreased by 5 per cent or more since the last previous determination of a bonus.
- (iii) Bonus should be a flat amount per hour or per week uniform for all workers and calculated to protect the worker against increases in the cost of basic necessities of life.

(6) Under war circumstances the urgent need for increased volume and speed of production is a justification for special provisions covering shifts and hours of work. This should be brought about by mutual agreement and should be understood as applying only for the duration of the emergency. The health and safety of the workers to be safeguarded.

(7) In industries which must operate continuously or which cannot successfully be operated on a three-shift basis, arrangements should be made in any event to allow the workers at least one day's rest in seven, and such additional days of rest as may be necessary to ensure that a proper proportion of rest hours to work hours is maintained. Wherever such arrangements are made payment of overtime rates of pay should be adjusted to meet the conditions in a manner reasonable to both the employers and employees.

(8) Whenever, in the interests of war production, any suspension is necessary of any existing condition of work established by practice or agreement, it shall be a condition of any such arrangement by which the suspension is effected, if the workers so desire the previously existing condition of work shall be restored on the termination of the emergency fully and without modification.

(9) It shall be the duty of the Registrar of the Industrial Disputes Investigation Act to record such suspensions or departures from trade practices during the war with a view to facilitating measures to restore the same after the war as may be required.

(10) In the case of any dispute in which a contract with a government department is involved, the Board of Conciliation and Investigation to which the dispute is submitted shall afford to the department concerned the privilege of submitting to the board a brief in writing as to the views of the department on any matter touching the dispute.

(11) It shall be the duty of any Board of Conciliation and Investigation to ensure that all agreements arrived at as a result of the deliberations of the board shall be filed with the Department of Labour.

His Excellency in Council on the same recommendation, and under and in virtue of The War Measures Act (Chap. 206, R.S.C. 1927) is pleased to order and it is hereby ordered that all agreements negotiated during the war period shall conform to the principles enunciated herein and in the said Order in Council of the 19th June, 1940—P.C. 2685.

His Excellency in Council is hereby further pleased to direct that the report of any board shall be at once communicated to the Minister of Labour who shall review the findings of such board; and, to the extent which in his opinion the report deviates from the principles herein contained, shall direct a reconvening of the board for reconsideration thereof.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amplifying powers of Metals Controller
P.C. 7494

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 19th day of December, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 3187 of the 15th day of July, 1940, George C. Bateman, Esquire, of the City of Toronto, was appointed Metals Controller and Regulations Respecting Metals were made;

And whereas it is deemed necessary that the Metals Controller be given the further and additional powers hereinafter mentioned;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Munitions and Supply, and pursuant to the powers conferred on the Governor General in Council by the Department of Munitions and Supply Act, and by the War Measures Act, is pleased to amend the said Order in Council and it is hereby amended by adding to Section (2) of the Regulations Respecting Metals the following additional paragraph;

- (q) To appoint, dissolve or discharge, and re-appoint from time to time, such committee or committees as he shall deem advisable, acting under such title or titles as he shall select, and to appoint to, and discharge from any such committee, from time to time, any person or persons that he shall name; the duties of any such committee to be to present for discussion and guidance such relevant problems as may arise in connection with, and generally to confer with and advise him with respect to, the performance of his duties, or any part thereof, and with the exercise of any power vested in him.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council establishing Committee re utilization and distribution of canteen funds

P.C. 7520

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 21st December, 1940.

The Committee of the Privy Council have had before them a report, dated December 18, 1940, from the Associate Minister of National Defence, representing that under existing regulations and agreements provision is made

for the payment into a central fund of a portion of the profits arising out of the operation of canteens and other auxiliary services for the benefit of His Majesty's armed Canadian Forces during the present war.

The Minister is of the opinion that it would be advisable to determine as soon as possible in what manner the moneys paid into the central fund may be most advantageously dealt with in reference to custody, investment and control thereof and also the policy and method of management which should be adopted in the utilization and distribution of the said fund both for the benefit of those persons who have served during the present war in His Majesty's armed Canadian Forces and also for the benefit of dependents of such persons.

The Committee, therefore, on the recommendation of the Associate Minister of National Defence, advise,—

1. That there be hereby constituted a Committee consisting of the following members:

J. M. MACDONNELL, Esquire, Toronto, General Manager National Trust Company,

RODOLPHE DESERRES, Esquire, K.C., of the City of Montreal,
WATSON SELLAR, Esquire, Auditor General of Canada.

2. That Mr. MACDONNELL be the Chairman of the Committee;

3. That HENRY A. DYDE, Esquire, act as Secretary of the Committee.

4. That the duties of such Committee be to enquire into and make recommendations and report to the Minister of National Defence concerning—

(a) The collection, custody, investment and control of such moneys as shall accrue and become payable to the Government of Canada out of the profits arising from the operation of canteens and other auxiliary services for the benefit of His Majesty's armed Canadian Forces during the present war; and

(b) The policy and method of management which shall be adopted in the utilization and future distribution of the said fund for the benefit of those persons who have served in His Majesty's armed Canadian Forces and for the benefit of the dependents of such persons.

5. That the said Committee be empowered to receive and consider representations and recommendations from representatives of the National Defence Services and from the representatives of such other organizations or bodies as the Committee may deem desirable.

6. That all Departments of the Government shall, subject to existing regulations, furnish the Committee with such information as it may require with reference to the subject matter of enquiry herein referred to the said Committee.

7. That the said Committee shall make its recommendations and report with all possible expedition and shall thereupon be discharged.

8. That all members of the Board, serve without salary but that the Minister of National Defence may pay their actual out-of-pocket expenses.

9. That all expenditures incurred by the Committee in the performance of its duties shall be paid from moneys provided by the War Appropriation Vote of Parliament.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing regulations respecting payment of
Rehabilitation Grant

The Canada Gazette, January 4, 1941

P.C. 7521

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 19th day of December, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Associate Minister of National Defence reports that, with respect to members of the Naval, Military and Air Forces of Canada who, having served on active service therein, are retired or discharged therefrom, or who have ceased to serve on active service, consideration has been given to the question of affording them some assistance towards their rehabilitation in civilian occupation;

That, for this purpose, a joint Committee of the Three Services was established which, in the course of its deliberations, consulted the Chairman of the Demobilization and Rehabilitation Sub-Committee on post discharge pay, the Chairman of the War Veterans Allowance Board, and the Assistant Deputy Minister of Pensions and National Health;

That the said Committee unanimously agreed that immediate action was necessary to bridge the gap between the time at which a member of the Forces was retired or discharged therefrom, and that by which he might reasonably be expected to rehabilitate himself in civil life and obtain gainful employment;

That the Committee was of the opinion that this assistance could most readily and effectively be furnished by way of a monetary grant payable under the conditions generally as set out in the Regulations herein contained.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Associate Minister of National Defence and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other law or regulation, is pleased to make the following regulations and they are hereby made and established accordingly,—

REGULATIONS

1. (a) Every member of the Naval, Military or Air Forces of Canada who has served continuously on active service therein during the present War, for a period of not less than One Hundred and Eighty-Three (183) days, shall, on his retirement or discharge from any of said Forces, or upon his ceasing to serve on active service, be granted an amount equal to Thirty days' pay of the rank held in any of said Forces at the date of his retirement or discharge therefrom, or of his ceasing to serve on active service, as the case may be.

(b) There shall also be granted in respect of such member of the Forces Marriage and/or Dependents' Allowance for a period of Thirty days, or for a period of one month if said Allowance is payable on a monthly basis. Said Marriage Allowance or Dependents' Allowance, together with the portion of the pay referred to in clause (a) of this Regulation equal to the last monthly amount of pay assigned by the officer or man during his service, shall be paid to the beneficiary entitled thereto.

- (c) The pay and Marriage and/or Dependents' Allowance authorized to be paid under this Regulation shall be designated "The Rehabilitation Grant."
- (d) If, at the time of his retirement or discharge, or on ceasing to serve on active service, a member of the said Forces is receiving Institutional treatment under the Department of Pensions and National Health, all of the said Rehabilitation Grant shall be paid to that Department for administration on behalf of the said member of the Forces.
- (e) For the purpose of these Regulations "pay" shall mean:—
 - (i) With respect to a member of the Naval Forces full pay, excluding all allowances, except Marriage and/or Dependents' Allowance, and excluding in the case of an officer, Specialists' pay, and, in the case of a rating, pay for non-substantive rank.
 - (ii) With respect to a member of the Military Forces pay of rank, excluding tradesmen's pay, and all other additional pay and allowances other than Dependents' Allowance.
 - (iii) With respect to a member of the Air Forces pay of his rank and group, excluding all other additional pay and allowances, except Dependents' Allowance.

2. The Rehabilitation Grant shall be issuable in respect of all officers and men who have served in the said Forces since August 26, 1939, and who have fulfilled the aforesaid conditions, and are not otherwise disqualified, provided that, in respect of any member of the Forces who, immediately prior to his retirement or discharge therefrom, or to his having ceased to serve on active service, was granted leave of absence with pay and allowances, the amount of such pay and allowances issued to or in respect of him during said period of leave of absence shall be deducted from the amount of the said Rehabilitation Grant otherwise payable.

3. The Rehabilitation Grant shall not be payable to or in respect of any such member of the Naval, Military or Air Forces of Canada who has been retired or discharged therefrom, or has ceased to serve on active service therein by reason of—

- (a) Having made a false answer on enrolment or attestation.
- (b) At his own request.
- (c) A sentence of a Court-Martial or a disciplinary Court, or, in the case of the Naval Forces, a punishment of dismissal forming part of a summary award.
- (d) A conviction by the civil power involving a sentence of imprisonment.

4. The Minister of National Defence may issue such Orders and Regulations, not inconsistent with these Regulations, as are necessary or desirable to give effect thereto, and to carry out the spirit and intent thereof.

His Excellency in Council, on the same recommendation is hereby further pleased to order that these Regulations shall be published in the *Canada Gazette*, and shall be deemed to have come into force and operation as of and from the 26th day of August, 1939.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council extending restriction on importation of fresh or frozen
pork to March 31st, 1941

P.C. 7540

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 21st day of December, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 768 of February 23, 1940, under the authority of the War Measures Act, it was provided that the importation into Canada of fresh or frozen pork under Tariff Item 7, meats, fresh, n.o.p.:—ex (c) pork, should be restricted until October 31st, 1940, so that the imports in any calendar month shall not exceed a quantity equivalent to the average monthly imports during the period January 1st to September 20th, 1939; this restriction to be effected by means of a prohibition of importation of fresh or frozen pork except under licence issued according to regulations to be prescribed by the Minister of National Revenue;

And whereas, by Order in Council P.C. 5886, of October 22, 1940, the period of restriction was extended to December 31st, 1940;

And whereas it is deemed desirable and expedient further to extend the period of restriction until March 31st, 1941, to avoid excessive accumulation of product in storage.

Therefore, His Excellency the Governor General in Council on the recommendation of the Minister of Agriculture and under the authority of the War Measures Act, is pleased to amend Order in Council P.C. 768 of February 23rd, 1940, as amended by Order in Council P.C. 5886 of October 22nd, 1940, and it is hereby further amended by deleting the date "December 31st, 1940," therefrom and substituting the date "March 31st, 1941," therefor.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending regulations pertaining to the purchase of
Fibre Flax seed

P.C. 7718

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 31st day of December, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council dated the 11th day of September, 1940 (P.C. 4614), certain regulations applicable to the Agricultural Supplies Board and pertaining to the purchase of Fibre Flax seed for export to Northern Ireland and for seeding in Canada were made;

And whereas the Minister of Agriculture reports that representations have been received from the Agricultural Supplies Board that it is desirable and expedient to amend the said regulations to authorize the Agricultural Supplies Board to purchase and distribute Fibre Flax seed of No. 2 Certified grade in addition to the other grades specified in the said regulations.

And whereas the Minister further reports that the 1940 Fibre Flax seed yield was impaired in quality due to unfavourable weather conditions during harvest and, therefore, the No. 2 Certified grade will also be needed for seeding in 1941.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture is pleased to amend the said regulations made by Order in Council dated the 11th day of September, 1940 (P.C. 4614), and they are hereby amended by adding to paragraph 2 thereof the phrase "No. 2 Certified, \$5.25 per bushel".

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending Chinese Immigration Act, 1923

The Canada Gazette, January 18, 1941

P.C. 7722

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 31st day of December, 1940.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Mines and Resources reports that owing to conditions arising out of the war there are in China approximately eight hundred persons of Chinese origin, legal and permanent residents of Canada, who have registered out from Canada under Section 23 of the Chinese Immigration Act, 1923, who are unable through lack of transportation facilities and other factors altogether beyond their control, to return to Canada within a period of two years from the date of registration, as required by Section 24 of the said Act, and who, therefore, under the last-mentioned section, lose their right of re-entry to Canada;

That practically all of these persons of Chinese origin have resided in Canada for many years and in some instances have acquired interests therein which will be sacrificed if their return cannot be effected;

That there was no possibility of these persons knowing before departure from Canada of the situation described above, otherwise they would have undoubtedly remained in this country; and

That in his opinion it would be for the peace, order and welfare of Canada to extend the visit of these persons of Chinese origin to their native land beyond the said period of two years;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources, and under the authority of Section three of the War Measures Act, Chap. 206 of the Revised Statutes of Canada, 1927, is pleased to order and it is hereby ordered that all persons of Chinese origin or descent, who under Section 23 of the Chinese Immigration Act, 1923, have registered on or subsequent to December 1st, 1938, and all persons of Chinese origin or descent who may register under the said Section 23 on or before December 31st, 1941, may delay their return to Canada for a period of two years over and above the statutory period as set by Section 24 of the said Act.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

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